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DEPARTMENT OF STATE
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No. 364. Two Enclosures.

United States Legation
Peking, December 19th, 1877.

George F. Seward to
the Secretary of State.

Subject.

The deterioration of the approaches to, and of the harbor of Shanghai.

Synopsis.

This subject brought up by the Shanghai Chamber of Commerce. Memorandum by Mr. Hart. Mr. Fraser and Mr. Seward appointed a committee to bring the subject before the Foreign Office. Mr.

Sewards

Lewards views as to the practical measures which may be taken. He concludes that the care of the Harbor should be committed to the Harbor Master under appropriate rules, and that an engineer should be appointed to report upon the larger question. These officers should be subordinated to the Inspector General of Customs.

No. 364. Two Enclosures.

United States Legation.

Peking, December 19th, 1877.

Honorable William M. Evarts.

Secretary of State.

Sir:—

In August last, the Shanghai Chamber of Commerce addressed to the Foreign Ministers here a letter regarding the deterioration of the harbor at that port, urging upon them "the "earnest hope of the Chamber "that the Diplomatic Body will "take advantage of every "opportunity to impress upon the "Tsung li Yamen the importance of "organizing, without delay, a Board of

1/364.

"of Conservators."

This letter was considered by my Colleagues and myself in October last, and Mr. Fraser was asked to see Mr. Hart to ascertain whether he could suggest a plan looking to the purpose of the Chamber's communication under which we could proceed jointly to effect the desired result. He, subsequently, submitted to Mr. Fraser a

2/1364. Memorandum which I enclose. You will see that it is not of an encouraging tenor.

After the receipt of this Memorandum, the Ministers again met to deal with the subject. There seemed to be felt

felt by my Colleagues the least possible hope that the Government will be disposed to undertake any action which will involve the expenditure of money, or even to discuss the matter. However, it was thought desirable to approach the Ministers of the Foreign Office, and Mr. Fraser and I were appointed a Committee for this purpose.

In accepting the request of my Colleagues that I should act upon this Committee, I stated to them that the business committed to us did not seem clearly defined, and that, before proceeding with it, I should think it well for Mr. Fraser and I to submit

such

such suggestions as might occur to us regarding the line to be taken the Ministers, and this was agreed to.

You will notice that the letter of the Chamber deals more particularly with the deterioration of the harbor proper, but that it has reference also to the general subject of the "best means of "protecting the navigable channels "of the port, and maintaining free "access to it for vessels of all "draughts."

It has seemed to me that the objects in view are two fold, or rather that the efforts to be made, can take two directions.

The

The Gang tze river, from the sea to the mouth of the Whang pu, on which latter stream, twelve miles from the Gang tze, Shanghai is situated, and the Whang pu itself, are undergoing the changes incident to the delta systems of great rivers. The Gang tze pours down to the sea an immense mass of water heavily laden with alluvial matter. The Whang pu is, in a large part, a tidal bayou, and both streams between Shanghai and the sea have to contend against the tendency of their waters to deposit mud, and to form shoals and shallows.

How this tendency may best

best be met — "the navigable
"channels of the Port protected" —
is a large question. It is because
of its difficulties, I imagine,
that the Chamber of Commerce
has not sought to point out the
specific measures which should be
taken, but has proposed the "
appointment of a "Board of "
"Conservators."

The deterioration of the
Harbor itself is a simpler matter,
and is largely due to the "
improvident action of those who
use it, or live upon its banks.
The Chamber says: — "Junks discharg
"their ballast into the stream "
"without let or hindrance, piles are
"driven below low water mark, bunds
(levees)

"(levees) are constructed, and
"beach lands reclaimed" "without
"reference to any settled principle
"of law or scientific practice."

In the first instance, it is the action of natural causes which are especially feared; in the second, it is the improvidence of men, supplementing natural causes, which demands attention. There is a possibility of immediate control in the one case; in the other, the measures to be taken must be conceived with scientific exactness, and carried out with special skill and experience, or the results to be accomplished will fail.

If a "Board of Conservators" could

could be formed, both branches of the work could be committed to it, but how shall such Board be established?

I confess that I have not been able to conceive a plan which would promise success. The Chinese Authorities have strange ideas about the causes which are at work in the rivers near Shanghai. They have even considered the Woosung Bar a "Heaven-sent barrier", intended to protect them from foreign iron clads. A Board, made up, in part of members of native origin, would be clogged and fettered by them, and rendered ineffective, perhaps, in consequence.

The only independent foreign

foreign element which could readily be introduced into such a Board, must be taken from the official class at the ports, from among the Consuls, or composed, in part, of foreigners in the pay of the Chinese.

Such a Board, acting independently of foreign control, would be obliged to make all its representations to the Government here, those intended to point out the work which should be undertaken, and the appropriations needed, through the native Authorities, and would be, measurably, at their mercy. In constitution, and in the promise of its working, therefore, it would be

be defective, and likely, only, to make a lamentable failure.

However, there is a better prospect in another direction. The foreign Customs establishment is efficient, and enjoys the confidence of the Government. Its Chief, almost by his own unaided exertions has, in particular, established a cordon of lighthouses, from one end of the coast to the other. Why not commit to him and his staff the care of the harbor at Shanghai, and its approaches?

Returning now to the two fold character of the work to be undertaken, it may be said that the Inspector General

of

of Customs has, at Shanghai, an Harbor Master, who is more or less perfectly under his control. To him, as it seems to me, the care of the harbor proper could be confided, under rules which would enable him to do whatever may be necessary to prevent the abuse of the river, and to initiate measures for its improvement, if such shall seem necessary or desirable.

The larger question must necessarily require the employment of an engineer familiar with the operations heretofore conducted at the deltas of great streams. Such an one could be readily employed by the Inspector General

General, if the moneys needed were placed at his disposal. His plans would be submitted to the Government directly, as in the other case, and, supported by the Inspector General and the Foreign Ministers, made, perhaps, to command attention.

It has seemed to me, then, that the policy to be advocated has, for its object:

1st. The designation of the Harbor Master, subject to the orders of the Inspector General, and under rules to be agreed upon in advance, to care for the Harbor proper at Shanghai.

2nd. To secure the appointment

appointment of an engineer, subject to the orders of the Inspector General, who shall report upon the measures needed, generally, for the " conservation of the fort and its approaches, and to carry out all operations which may be determined upon.

Holding these views, I shall do my best to impress them upon my Colleagues, and, with their approval, to secure the concurrence of the Inspector General, and of the Government.

I have the honor to be,

Sir,

Your

Your obedient servant.

Wm. H. Seward

Enclosures.

1. Letter to the Ministers of Treaty Powers on the Conservation of the river Woosung. Shanghai, 7th August, 1877.
2. Memorandum by Mr. Hart on same.

UNITED STATES CONSULATE
AUG 14 1877
SHANGHAI

Despatch No. 364,
Enclosure 1.

LETTER TO THE MINISTERS OF TREATY POWERS
ON
THE CONSERVATION OF THE RIVER WANGPU.

Shanghai General Chamber of Commerce,

SHANGHAI, 7th August, 1877.

SIR,

This Chamber has received a communication from the Chairman of the Municipal Council of the Settlement North of the Yang-king-pang calling attention to the gradual deterioration of the navigable channels of the river Wongpu which has been going on during recent years, and inviting the cooperation of the Committee in an application to the Chinese authorities for the adoption of such remedial and protective measures as may be found necessary.

In connection with the subject of the Woosung Bar, the Committee has on several occasions addressed the Foreign Ministers at Peking and the Consular body here, representing the urgent need which exists for the formation of a Board of Riverine and Harbour conservation at this port. When laying before Your Excellency a renewed statement of facts showing the silting up process which the upper reaches of the Wongpu river are undergoing I need not dwell upon the importance of the interests which are concerned in the maintenance of the approaches to the port. Even if it could be shown, that other places washed by the waters of the Yangtsze offer geographical advantages, equalling or excelling those possessed by Shanghai as a depot of foreign commerce for central and northern China, it would nevertheless be obvious that an emporium of organized trade aggregating more than 100,000,000 of taels annually and producing a foreign customs revenue of more than 3,000,000 taels, could not be abandoned without inflicting an injury upon the country which would be reparable only after a long term of years, and after causing an enormous loss of invested capital.

The facts which I have the honour to submit to Your Excellency's attention appear to justify the existing popular apprehension that the narrowing and shallowing of the river which has taken place during the last fifteen years and which it is believed has been the result of preventible causes will, if unchecked, eventually render Shanghai inaccessible from the sea to vessels of heavy draught.

Observations recorded in 1872 with regard to the breadth of the river showed that where the Shanghai Steam Navigation Company's iron godowns stand on the left bank, there were formerly fourteen to fifteen feet of water, and that four hundred feet further out, where at an earlier period there had been twenty-three to twenty four feet, at low tide, in 1872 there were only fifteen feet, a bank having formed about 1,000 feet long; while on the opposite shore the Pootung bank at Jardine's wharf had advanced three hundred feet into the river and at Muirhead's jetty lower down the depth had de-

creased from sixteen feet to six. On the left bank again, the English bund had been almost entirely reclaimed from the river together with the Public Garden, and the Soochow Creek had narrowed from both sides, while at Howard's Wharf where there had been sixteen feet of water in 1863 the ground was dry at low tide twenty-five feet beyond. On the other side of the river the Pootung Point in eight years up to that time had extended itself eight hundred feet, and off Lambert's Lumber Yard where in 1862 the mail steamers were moored, only one foot of water was found.

Opposite the Hongkew Wharf at a distance of nine hundred and fifty feet there were at this date only eighteen feet six inches at low water leaving a channel wide enough for only one steamer to swing where some years before three rows of ships and two rows of small craft were anchored. At Dent's Wharf there were only fourteen feet of water at a distance of fifty feet from the spot where in 1863 there were sixteen feet, while still further down the river, jetties which were formerly used were (in 1872) on dry land.

During the last five years the silting process has been continued with marked effect more especially on the Pootung shore, and the available channel has been further encroached upon, while the depth of it has decreased.

In connection with this letter I beg to refer to a Report upon the Woosung Bar drawn up at the request of the Consular body at this place by Messrs. Escher and De Ryke, engineers of repute in the service of the Japanese Government. These gentlemen have addressed themselves particularly to the consideration of the question, as to the cause of the Woosung Bar and the best means of removing it, but their general remarks upon the condition of the river itself and its prospects, are interesting and valuable.

This Report supports the conclusions which have been arrived at by every professional observer whose opinions have been at the disposal of the Committee that the depth of the Wangpu river is not caused by the drainage water of the districts which it traverses, but is mainly the result of the tidal flow of the Yangtsze.

As it is well known that in order to maintain the scour of a tidal stream and to prevent "silting" it is necessary to preserve the receptive capacity of the basin into which the tidal water flows, I cannot too strongly insist upon the obligation imposed upon the proper authorities to take care that no avoidable obstructions are placed in the way of the ingress and egress of the tide in a navigable channel.

It is not to be denied that no adequate supervision is exercised over the proceedings of either natives or foreigners in connection with the banks and channels of the Wangpu. Junks discharge their ballast into the stream without let or hindrance, piles are driven below high water mark, bunds are constructed and beach lands reclaimed sometimes with the permission of, but not unfrequently in spite of the opposition of the Taoutai, whose ruling on such occasions appears to be governed by no settled principle of law or scientific practice.

Mr. Escher in his report to which I have already made reference remarks.

"Finally we would offer a few remarks with regard to the management of the Wongpu generally, in the interest of a good fairway between Shanghai and the Yangtsze estuary.

The great quantity of matter in suspension in the Wongpu water causes every projection in the river to make deposit.

The manifold jetties and piers at and near Shanghai work in the same way as groins; the space between them fills with sediment, and they have already noticeably narrowed the river in front of the Settlements.

Narrowing at a point, not abnormally wide, causes impediment to the tidal flow, and this again causes generally decrease of sectional area and depth.

In order to maintain the river in a proper condition for navigation, a regular width should be kept in view, a trifle wider at the entrance than higher up, and with as few sharp curves as possible.

Therefore it is desirable for that part of the river where there is a tidal flow, to fix regular shore lines ("normal lines") on a correct chart, within which lines all kinds of hindrances to the tidal flow must be prohibited, and beyond which, as far as concerns the river part that is wanted to be deep, at some places protections of banks will prove necessary, in order to prevent the formation of a second "Woosung Bar."

In the beginning of this report the benefit to the river has been pointed out, which is derived from the usual dredging or digging out of the creeks discharging into it. This good custom of dredging or digging out cannot be too highly recommended. Care must also be taken that the mouths of such creeks have a form favourable alike for discharge and entrance of water."

The Committee do not consider it necessary on this occasion to enter upon the subject of the hindrance to navigation caused by the Woosung Bar or to discuss the best means of removing it. They are of opinion that this question is one among many concerning the waterways of Shanghai the determination of which properly devolves upon special functionaries to be appointed by the Chinese Government whose business it would be to decide upon and provide the most efficient means of protecting the navigable channels of the port and maintaining free access to it for vessels of all draughts.

I am to express to Your Excellency the earnest hope of the Chamber that the Diplomatic Body will take advantage of every opportunity to impress upon the Tsung-li Yämên the importance of organizing without delay a Board of Conservators. A responsibility to adopt the necessary measures for the preservation and improvement of the approaches to this port is imposed upon the Chinese Government not only by a due regard for the interests of the country generally but also by its implied obligations under the Treaties with Foreign Powers.

I have the honour to be, Sir,

Your Excellency's most obedient servant,

F. B. JOHNSON,

Chairman.

Despatch No. 364.
Enclosure 2.

Extract from a Memorandum by Mr. Hart.

Woosung Bar.

This question has come before me very often. I have advised the Customs to the effect that, considering the trade and revenue of Shanghai, a hundred thousand taels would not be too much to devote to the experiment of dredging the Bar; at the same time, my real opinion is, that to dredge the Bar would give no permanent result; that Channel will fill up almost as fast as the dredger deepens it, and such a piece of work would be unending and ineffective, and would cost more money than it ever could possibly be worth. The right plan would be, to close the present narrow Channel, and open the broad one on the other side of Gough's Island: so at least I was advised, years ago, by the two professional men I consulted

committed, — and I see that Captain Bridgford now recommends the same course, but the work would be a costly one / Capt. B's estimate is far below the mark / and I have been unable to see where the money for it could be got.

I ought, however, to add that I am one of those who do not think there is any special necessity for dredging the Woosung Bar; there was less water on the Bar in 1863, than there is to day, and Shanghai has grown to be what it is, in spite of the Bar; if Shanghai falls off in any way / of which, judging from the statistics of Trade and Revenue, there is as yet, no symptoms / it will not be on account of the Bar, and if Shanghai has any tendency to decline, that tendency will not be checked by any dredging works at Woosung. What Shanghai has to dread in the future is the formation of the Banks outside, near the Beacon Flats, and

what

what it has mainly to complain of now is the change in the depth of water inside the Harbor limits; as for the Beacon Flats, nothing can be done to arrest the course of nature there, and as for Harbor works, the time has pretty well gone by for preventive measures: ten or fifteen years ago, the Harbor Master did all he could to prevent the unauthorized construction of wharves and jetties, but owners of front lots were too intent on gain to be held back, and Consular officials were too jealous of the appearance of any other authority than their own, to support his position, or give a proper effect to his views, and for the condition of the harbor to day merchants and Councils have really only themselves to blame. The letter of the Chamber of Commerce is very moderate in tone, but what it asks for, chiefly, is rather the improvement of the Harbor, than the dredging of the Bar; if the Gauge steamers alone were charged (a) Tonnage dues, according to their real carrying capacity, or if a special tax were

tax were put on front lots, wharves, jetties, and vessels frequenting the port, a special fund for this special work could be formed — the fund would be continuous, and the work continuous, but, unless something of this kind is done, the matter is scarcely worth agitating, for the construction and maintenance of Coast Lights call for even larger expenditure than the Tonnage Dues fund is likely to continue to yield. The Municipal Council has done excellent work on shore at Shanghai; but I question if it will answer to make it a mixed board, in the sense of having both a Chinese and foreign element. If a Harbor fund is formed and Harbor improvement taken in hand, success would be more certain if attended to, either by a Board acting independently of Chinese cooperation, or by Chinese agents, acting independently of foreign

Colleagues

colleagues. At the present moment, I am not aware that the Chinese Government has any intention of either dredging the Woosung Bar, or initiating Harbor works at Shanghai.

[Signed] Robert Hart
I. G.

Peking, November 5th, 1877

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Mr Payson

DEPARTMENT OF STATE
FEB 20 1878
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No. 365.

United States Legation.

Peking. December 21st, 1877.

George F. Seward to

the Secretary of State.

Subject.

The Woosung Railway.

Synopsis.

The process of removal completed.

Proposal to transfer material to Formosa, not likely to be carried out. Question whether the experiment will do more harm than good considered. Mr. Seward thinks not. Speaks of the great need

Copied for Mr. Payson

need of railways, and, in this connection, of the fact that tens of thousands must perish for lack of food which cannot be made available, owing to imperfect means of transport. The idea of the promotors of the railway generous. The general subject will be spoken of to the Foreign Office as opportunity may serve.

No. 365.

United States Legation

Peking, December 21st, 1877.

Honorable William M. Evarts.

Secretary of State.

Sir:—

While at Shanghai, lately, I learned that the process of removing the Woosung Railway has been carried far toward completion. The engines had been taken to pieces, and the rails and ties put in store.

It was said by the Chinese Authorities, that the material would be transferred to Formosa, where an effort is being made to work coal mines after

after foreign methods, and a disposition has been shown to introduce telegraphs and railways. It is very doubtful, however, whether the plan will be carried out. The promoters of progressive measures, have many difficulties to contend with, which may, more or less, defeat their objects, and, indeed, the material in question is not well adapted for serious work. The Governor of Fukien told Mr. Holcombe last summer that it would not answer his purposes.

Of course, a great deal of disappointment is felt at Shanghai, in consequence of the

the policy pursued by the Authorities. The railway was an accomplished fact, and it served greatly the convenience of both foreigners and natives. The latter, in particular, had occasion to use it, and had only good to say about it. It was promising to yield moderate dividends.

It may be said, moreover, as I think, that the destruction of the line has disappointed many Chinese of the official class. The Viceroy at Tientsin expressed himself to me, on one occasion as favorably disposed to it, and the Ministers of the Tsung li

Yamen

Yamen once said to a foreign
Minister:- "Why cannot your
"people start a railway at one
"of the ports". The projectors had
much to hope for, indeed, in the
general readiness of the Chinese
to avail of improved methods, when
once they are brought clearly
before them, and from the quiet
support of the class which is
anxious to promote the
development of material interests
generally.

The projectors of the line
were, indeed, so confident of the
support of the Authorities that they
did not hesitate to apply to the
Customs to be allowed to land
the material free from duty.

It

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It was three years from the time that the land was purchased, before the iron was laid. The object in view was freely spoken of, in the meanwhile, both among foreigners and natives, and no objections were made. I myself secured the punishment of certain Chinese, who had assaulted one of our countrymen while prosecuting grading operations, and I urged my predecessor in office here, to unite with his colleagues in bringing the business before the Foreign Office, in order to forestall opposition, should such spring up.

No one, perhaps, would have been so hopeful, had the grave

grave complication between Great Britain and China, growing out of the German difficulty, been anticipated. From the moment of its occurrence, it was the policy of the Chinese Government to raise a counter grievance, and this had more to do with the hostility suddenly manifested against the railway, than all other causes combined.

One cannot but feel great anxiety as to whether the experiment made at Shanghai will tend to retard the introduction of railways. I am disposed to think that, taken in all its bearings, it will

will do more good than evil, although, of course, the destruction of the railway is to be deplored. The effort made there, however, has demonstrated the fact that such works will be appreciated by the people, and that the unreasoning hostility towards them, expected by many, is not likely to be developed.

Unfortunate therefore, in itself, as that experiment proved to be, we cannot regret that it was essayed.

It is said that there are, at this moment, 10.000.000 of people threatened with greater or less distress in consequence of

of the famine now prevailing in this and the adjoining provinces, and that tens of thousands must perish. Harbors, rivers, and canals are frozen, and the roads and mule paths are neglected and out of order. The carriage of food supplies becomes so expensive under these circumstances, as to be practically impossible in any adequate measure. Yet these provinces possess great natural resources, and embrace, in particular, a district which is richer in coal and iron than any other in the world. The introduction of railways, by developing new industries, and by enabling the people

people to avail of new and distant markets, would go far to remove the danger of a recurrence of such disasters.

I have not hesitated to point out, in the past, mistakes committed by the promotors of the Wooring Railway. I do not hesitate, however, to assert that generous ideas, and not selfish ones, were those which impelled them to take up the undertaking. It remains to be hoped that what was liberally conceived shall not fail, in whatever way, to bring about the results which its projectors expected, and which are of as vast importance to the welfare

welfare of this people.

Regarding the matter in this light, I shall not hesitate to speak of it to the Ministers of the Foreign Office from time to time, as I may be able to, without in any way giving offense. I am fully aware of the delicacy of my position as a diplomatic officer. It is one, however, which has responsibilities of a humanitarian sort, and I do not wish to forget this fact, in my anxiety to preserve, always, an attitude of respect and friendliness.

I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Seward

DEPARTMENT OF STATE
FEB 25 1878
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Ack & approve - J. M. Hayson

No. 366. Three Enclosures.

United States Legation

Peking, December 24th, 1877.

George F. Seward to

the Secretary of State.

Subject.

"Ward" and "Keorpeor" matters.

Synopsis.

The Foreign Office has responded to Mr. Seward's request for a final answer in an ambiguous way, and Mr. Seward, in order to force the desired answer, has accepted their letter as indicating compliance with our demands. Incloses a

note

note to Mr. Wells, in anticipation of the possible payment to him of the amounts referred to, or a tender of a less sum.

No. 366. Three Enclosures.

United States Legation

Peking, December 24th, 1877.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I had the honor to address you on the 12th instant, transmitting to you a despatch which I had sent to the Foreign Office, asking to be definitely informed whether this Government is prepared to settle the "Board" and "Keorpeon" claims as presented by us.

The Ministers have shown unusual alacrity in responding to my letter. You will see, however, in reading their despatch, that 1/366.

they

they avoid giving me a direct answer. I had asked them plainly, whether they would pay or order to be paid, certain amounts. They responded by referring to the negotiations between Mr. Holcombe and the Nanking Viceroy, and add that "the Intendant at Shanghai "must be instructed to produce "the necessary funds for payment." By inference we may assume that it is funds for the payment of the amounts acknowledged by the Viceroy which he is to produce.

It is barely possible, however, that they mean to prepare the way for the satisfaction of the claims in

full

full, and, at any rate, it is
open for me to take this a
meaning out of their letter.

I have responded, therefore, 2/366.
as if taking it for granted that
I understand their letter to be
a substantial compliance with
our wishes.

If it be the purpose of
the Ministers to bring about a
settlement, my response will
promote the object. If their
purpose be different, they will
be forced to state the fact,
and in this way to give us the
declaration of their intentions,
for which we have asked.

Looking to the possibility
that Mr. Lee may be a

approached

approached by the Intendant, I am addressing to him a letter,
3/366. a copy of which I enclose.

I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Seward.

Enclosures.

1. Prince Kung to Mr. Seward
December 20th, 1877.
2. Mr. Seward in response.
December 21st, 1877.
3. Mr. Seward to Mr. Wells.
No. 101. December 21st, 1877.

Despatch No. 366.
Enclosure 1.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication in reply.

Upon the 10th instant, I had the honor to receive a despatch from Y. E. setting forth that in the matter of the "Howard" and "Keonjeor" claims, you had reported all the negotiations from first to last to your Government, and that you were in receipt of responses, according the full approval of your Government to all Y. E's representations; and that it consequently becomes your duty to again request, according to the terms of the Memoranda handed to this Office by Mr. Holcombe, payment of the claims, and to ask whether this Government is prepared to pay the sums mentioned, or to order them paid, at once.

In reply, I have the honor to observe that in this business of

the

the "Ward" and "Keopesi" claims, this Office, moved by an exceptionally profound spirit of friendship, gave an unofficial instruction to Shen, Southern Superintendent of Foreign Trade, to devise a satisfactory basis of settlement. H. E. Shen, responding to the desire of this Office, immediately upon Mr. Holcombe's arrival at Nanking, discussed with him the amounts to be paid, and said to Mr. Holcombe that, in case it was thought desirable to settle the business at once, he would instruct the Customs Intendant at Shanghai to advance the necessary funds.

Since now Y. E. addresses me inquiring from what source the money for the payment of these claims is to be produced, I have the honor to reply that, in accordance with the negotiations between the Viceroy Shen and Mr. Holcombe, the Shanghai Intendant must

be

be instructed by Shen to
produce the funds necessary
for payment.

H. E. George F. Seward
&c &c &c &c

Peking, December 19th, 1877

Despatch No. 366.
Enclosure 2.

Mr. Seward to Prince Kung.
Peking, December 21st, 1877.

I have had the honor to receive the despatch which H.I.H. addressed to me yesterday in regard to the "Ward" and "Keefer" claims.

H.I.H. is fully aware of our expectations in these matters. I cannot doubt, therefore, that in responding as I do to my despatch of the 10th instant, that "the Intendant of Circuit at "Shanghai must be instructed "by H.E. Shen Southern Superin-"tendent of Trade, to produce the "funds necessary for payment", H.I.H. means that the business shall be closed in a way which will be satisfactory to us.

Relying therefore upon the terms of H.I.H's despatch, and having in view the frequently

expressed

expressed desire of H.I.M. and the Ministers of the Yamen to deal with our affairs in a spirit of candor and friendship, I shall at once instruct the Consul General at Shanghai to receive from the Lieutenant the amounts in question.

It is to be understood of course that in waiving for the present the question of the interest which, if any, should be paid to Mr. Hill, I do so without prejudice to any rights which he may have in this respect.

I seize the opportunity to express to H.I.M. the gratification which will be felt by my Government at the satisfactory conclusion of these affairs.

I have &c.

(Signed) George F. Seward

Despatch No. 366.
Enclosure 3.

Mr. Seward to Mr. Wells.
No. 101. December 21st, 1877.
Sir:—

From the tenor of recent correspondence received by me from the Tsungli Yamen, it seems possible that the Intendant at your port may tender to you certain greater or less sums in payment of the "Ward" and "Kenyon" claims.

In such event you may say to him that you are authorized to grant to him a receipt for Taels 10.903 86/100 and $5.694 37/100 with interest on both these sums since March 1st, 1864, to date of payment at 10 per cent per annum, as full payment of the Ward claims; and for Taels 54,000 in full payment of the principal sum due and owing on account of the Kenyon claim, whenever he shall produce to you evidence of the deposit of those sums in the Hongkong and Shanghai Bank, to my credit as

United

United States Minister.

You will, however, avoid all argument or conversation with the Defendant, or with any one appearing in his behalf, in regard to the claims, and particularly in regard to any lesser sums which may be tendered to you, refusing positively to receipt for any such lesser sums.

In case, however, the Defendant fails to pay the amounts expected, and tenders any lesser sums, you will so inform me, not upon his motion or request, but as a matter of information coming from yourself, and without saying to him that you will so inform me, leaving him to communicate his course to his Government, so that they may bring the facts to my attention as if entirely of their own motion.

If the full amounts indicated be paid in at the Bank,

please

Please request the Manager to grant deposit notes for the several sums in taels and dollars respectively, without conversion, for a period of four months certain, at the best rate of interest allowed on such deposits, in order to give me time to take the instructions of the Government as to the disbursement of the money.

I am, etc.,

(Signed) George F. Seward

DEPARTMENT OF STATE
FEB 25 1878
RECEIVED

Attended to-
Dft 7/1

W Payson

No. 367. One Enclosure.

United States Legation.

Peking, December 26th, 1877.

George F. Seward to
the Secretary of State

Subject.

The Amoy foreshore question.

Synopsis

The Consul at Amoy having sent the correspondence between himself and the Legation to the Department, and having raised questions as to the merit of Mr. Seward's instruction, Mr. Seward has written to him a further letter,

and

and states to the Department that his interference with the matter was unnecessary and impolitic, and that the tone and matter of his despatches regarding it have been extreme, and unwarranted by the facts.

No. 367. One Enclosure.

United States Legation.

Peking December 26th, 1877.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have received from Mr. Henderson a copy of his despatch to you, number 158., and he has sent to me also information that a copy of his number 68 to myself is also in your hands.

I am disposed to think that Mr. Henderson embarked in an unnecessary and impolitic discussion with his colleague, the British Consul,

and

and that the matter, no less than the tone of his despatches in regard to the questions involved, is extreme and unwarranted by the circumstances and facts.

How far it may be desirable for you to express this conclusion to him, will be a matter for your consideration.

I have the honor to be,
Sir,
Your obedient servant
Geo. F. Seward

Enclosure.
1. Mr. Seward to Mr. Henderson.
No. 43. December 24th, 1877

Despatch No. 367.
Enclosure.

Mr. Seward to Mr. Henderson.
No. 43. December 24th, 1877.

I have the honor to acknowledge the receipt of your despatches numbered 66. 68 (two) 69 (two) and 70. of October 19th, and the 2nd, 8th, 27th and 29th ultimo.

Recurring to the matter of the foreshore, the further remarks, made by you in these despatches, and in your No. 158. to the State Department, do not appear to require any modification of the views expressed to you in my despatch, number 36.

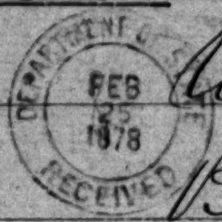
I am, &c.

(Signed) George F. Seward.

McPherson

ok. I approve. JC

No. 368. Two Enclosures.



United States Legation.

Peking, December 28th, 1877.

George F. Seward to

the Secretary of State.

Subject.

The "Ward" and "Keojeo" claims.

Synopsis.

The Prince has responded to Mr. Seward's last note stating that the Kanking Viceroy can be instructed to pay the sums which he has declared to be due, but that, if anything else is expected, the Foreign Office will find serious difficulty

"difficulty in giving him an
"instruction". Mrs. Seward has
responded protesting against
the position assumed. No further
correspondence will be undertaken
until instructions are received.
The eventual settlement of the
claims to be expected if they
receive attention. Asks approval
of course.

No. 368. Two Enclosures.

United States Legation,

Peking, December 28th, 1877.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I had the honor to send to you last week a letter from the Foreign Office in regard to the "Ward" and "Keorpor" claims which was ambiguous in its tone, or, at least, might possibly be construed to mean that the hanking viceroy would pay them in full. I at the same time reported that, for reasons stated, I had responded as if a satisfactory conclusion of our negotiations

negotiations had been reached.

The day before yesterday the Prince answered my despatch

1/368. saying, in substance, that the Viceroy could be instructed to pay the sums heretofore declared by him to be due to us, but that if I expect "any "other basis of settlement, the "Foreign Office will find serious "difficulty in instructing "H. E. Shen."

You will notice that this letter is somewhat more positive in tone than any of those more lately written by the Foreign Office, in regard to the matters mentioned, although not so positive as many of

their

their earlier notes. It is by no means, as Chinese despatches go, a flat refusal to pay the sums which we hold to be due to our people.

Pursuing the line heretofore indicated to you, I have responded to this note declaring once more that the basis of settlement proposed at Nanking cannot be accepted, and protesting that "the refusal "of interest on the Board claims," under circumstances stated, "is "in contravention of established "principles", and that "the denial "of contract of Charter Party" in the Keorjeor case, "is in direct "opposition to the proofs adduced."

2/368.

I

I shall not address myself again to the Foreign Office, in regard to these matters, until your instructions make it appropriate for me to do so. I have indicated in my despatch, number 358., what instructions would, in my opinion, be calculated to promote an eventual settlement. I may add that I have no doubt, at all, that a settlement, in entire accordance with our representations, will be reached, sooner or later, if we simply preserve an attitude of expectancy, and make good use of the opportunities which will occur in the course

of

of our relations. It will not be necessary to use harsh language, nor to abate our demands, in the least degree. Time will be the chief factor.

I have had some anxiety lest refusal of the tender made at Sanking might affect the right of the claimants to interest on the amounts thus declared due. The present letter from the Foreign Office removes this possible difficulty, since it indicates that acceptance of such payments by us, would be considered as a final settlement of all demands.

I respectfully request your approval of my whole course

course in connection with these claims, to this date. I am the more anxious to receive it as the distance from Washington has made it necessary for me to prosecute the negotiation, as it has seemed wise to me, and without the benefit of detailed advice from yourself.

I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Seward.

Enclosures.

1. Prince Kung to Mr. Seward.
December 26th, 1877.
2. Mr. Seward in response.
December 27th, 1877.

Despatch No. 368.
Enclosure 1.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication.

Upon the 21st instant, I had the honor to receive from G. E. a letter in the matter of the "Ward" and "Keorpeor" claims, saying that you proposed instructing your Consul General at Shanghai, to receive from the Customs Intendant at that port, the sums due in these claims, and adding that "in waiving "for the present the question of the "interest, which, if any, should be "paid to Mr. Hill, I do so without "prejudice to any rights which he "may have in this respect, &c. &c.

In comment upon G. E's letter, I beg leave to observe that the Viceroy Shen, was instructed to enter upon negotiations with Mr. Holcombe, in the "Ward" and "Keorpeor" claims, and that he pointed

pointed out to Mr. Holcombe the sums which he was ready to pay, suggesting that, in case an immediate settlement was desired, he could instruct the Shanghai Customs Intendant, to advance the funds for payment, thus offering special facilities for a settlement.

I know the intention of H. E. / as expressed in the letter received is really having regard for the friendship of the two Governments, to direct your Consul General at Shanghai to receive from the Customs Intendant the several sums due in these two cases, in accordance with the plan which H. E. Shen suggested to Mr. Holcombe for the early adjustment of these matters, this Office must direct H. E. Shen to instruct the Customs Intendant at Shanghai to pay over to your Consul General the sums specified by H. E. Shen to Mr. Holcombe, in final and

full

full settlement of these cases.

But if H. E. in your remark regarding interest in the Keorfoa case implies any other basis of settlement than that specified in H. E. Shen's proposition to Mr. Holcombe as an immediate and complete liquidation of all claims, this Office will find serious difficulty in instructing H. E. Shen. A clear understanding upon this point is therefore necessary.

H. E. George F. Seward

&c. &c. &c. &c.

Peking, December 26th, 1879.

Despatch No. 368.
Enclosure 2.

Mr. Seward to Prince King.
Peking. December 2nd, 1867.

Sir:-

I learn from Y. I. H.s letter of yesterday that I misapprehended the despatch which you did me the honor to address to me on the 19th instant, and that, so far from our having reached an agreement in regard to the claims matters, they are to be considered as still pending.

I have heretofore pointed out carefully to Y. I. H. that the settlement of these matters proposed by the Viceroy at Nanking "in a half-hearted way" as remarked by the Ministers of the Yamen, cannot be accepted

1st Because interest is denied in the Ward Claims, although these were pronounced good by Arbitrators, and fell due under their Award, March 1st, 1864, and that Award has been

declared

declared just by the Viceroy, by G.I.H. and the Ministers of the Yamen.

2nd. Because the Viceroy, in dealing with the Keorjon case sets aside the formal contract, or Charter party and tendered for the use of the steamer Taels 500. per month, instead of Taels 3000. as agreed, and for the loss of the vessel Taels 8000. instead of Taels 12.000. as agreed.

In accepting now G.I.H's declaration that payment of the claims can only be made on the basis proposed by the Viceroy, I must be allowed to protest formally, that the refusal of interest, as mentioned above, is in contravention of all established principles, and that the denial of the contract of Charter party is in direct opposition to the proofs adduced.

There can be no settlement on such a basis.

I can only believe that

G.I.H.

Y. S. H. immersed in affairs of state, has not given to these matters, so inconsiderable in themselves, yet so pertinent in suggestion, the attention which our representations have deserved.

I am, &c.

(Signed) George F. Seward

In Payson

Pd & approve
attended to by the answer to another despatch.

No. 369. Five Enclosures.

United States Legation
Peking, December 28th, 1877.

George F. Seward to
the Secretary of State

Subject
Foreshore at Amoy

Synopsis.

The Authorities appear to believe that we countenance Mr. Stevens application for it, and Mr. Seward addresses a note on the subject to the Foreign Office and to Mr. Henderson.

No. 369. Five Enclosures.

United States Legation

Peking, December 28th, 1877.

Honorable William M. Evarts.

Secretary of State.

Sir:-

Recurring to the question of the foreshore of the British settlement at Amoy, and to my despatch, number 350., of the 5th instant in relation thereto, I have now to inform you that my colleague, the English Chargé d'Affaires, has submitted to me the later reports of his Consul, and to enclose herewith for your information, an extract from an

1/369.

an enclosure with one of the Consuls letters, and copies of
2/3/369. letters which have passed between him and our officer.

You will see that Mr. Henderson has not placed the matter before the Authorities, in the spirit of the instructions which I have heretofore addressed to him.

I have thought it well to address a further note to the Foreign Office under these circumstances.
4/369. I enclose a copy of it herewith,
5/369 and shall direct Mr. Henderson to transmit another copy to the native Authorities at his Post.

This course is required as

a

a measure of good faith and fair dealing towards the English Authorities and the occupants of the British settlement at Amoy.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Enclosures.

1. Extract from letter of Amoy Intendant to British Consul. Nov. 18. 1877
2. Mr. Alabaster to Mr. Henderson
3. Mr. Henderson in response.
4. Mr. Seward to Prince Kung, December 28th, 1877.
5. Mr. Seward to Mr. Henderson. No. 45. December 28th, 1877

Despatch No. 369.
Enclosure 1.

Amoy Foreshore.

Extract from despatch from Lieutenant Sz to Her. Consul Alabaster.

18th November, 1877.

× × × × ×

× × × I having received a despatch from you informing me that the U.S. Minister had given up his claim to the said land, and as I had not received any information on the subject I on the 11th November wrote to Her. Consul Henderson asking whether such were really the case. On the 13th November I received his reply stating that "he had no knowledge of "his Minister having assented to the "cession of the foreshore in question to the "British: but having received my "letter telling forth the plan for the "reclamation of the foreshore, he "begged to thank me for the same, and "said Chinese and Foreign merchants "would all be pleased with it, as they would

"would clearly see that I was
"watchful and careful of their
"interests, and desirous to avoid all
"unpleasantness. It was his duty to
"send me this reply, etc. etc."

It therefore seems that the Americans have, in no way, given up their claims to the foreshore, and it could therefore not be rented to people of another nationality, as has before been stated, and it could not also be rented to British Merchants, and it is therefore no use further discussing the matter, as the land is to be filled in by the Chinese Authorities. x x x

x x x x

Despatch No. 369.
Enclosure 2.

Copy.

British Consulate.
Amoy, November 19th, 1877.

Sir:-

Having had occasion lately to refer in a communication to the Taotai to the acknowledgement by the United States Minister of the priority of the claims of the British Government and of the land renters holding lots under it, to reclaim and deepen the bank in front of the British Concession at this port, and the consequent withdrawal of the claims adduced by General Le Gendre some years ago, and subsequently revived by yourself, I have been much surprised to receive a reply from him to the effect that, having referred to Mr. Consul Henderson he informed him

J. J. Henderson Esq.
United States Consul
Amoy

him" that he has no knowledge of
"the U.S. Minister having assented to the
"cession of the foreshore in question to
"the British."

As Mr. Fraser's letter contains
copy of a communication from Mr.
Seward to yourself in which he most
explicitly admits the priority of our
claims, and rejects those advanced
by your predecessor, and I know from
yourself that the original has reached
you, and, on the other hand, I am
unable to conceive the Taotai crediting
you with a letter you have never
written, I am utterly at a loss to
understand the matter, but, in the
hope that there explanation may be in
the Chinese translation, I have thought it
preferable to refer to you before
communicating Mr. Sewards letter
to him in extenso, and convincing him
that I have not made unauthorized
or unwarranted statements.

I have &c

(Signed) Chas. Alabaster

Consul

Despatch No. 369.
Enclosure 3.

Copy.

United States Consulate
Amoy, November 20th, 1877

C. Alabaster, Esqre
H. B. M. Consul
Amoy.

Sir:—

I beg to acknowledge receipt of your letter of yesterday and to say in reply that the following is what I wrote the Taotai concerning the action of the American Minister, in relation to the land dispute at Amoy.

"I have no information of
"any agreement between the U. S. Minister
"and British Authorities to give the
"beach lot to the latter. The Minister
"however, informs me that, according
"to Chinese usages, as he understands
"it, the owners of foreshore lots have a
"first right to occupy and hold, subject
"to Imperial reservations, any ground
"which may grow up in front of their
"properties, or which they may be
"permitted to reclaim, and that,

therefore

"therefore, he would not urge the
"American claim to the ground". I am
"not aware that the usage mentioned
"by him prevails in this Province".

I take this opportunity to
inform you that Mr. Stevens application
for the ground in question has not been
withdrawn. That gentleman, only
yesterday stated home that he had no
intention of withdrawing his application,
but that, having heard of the determination
of the Provincial Authorities to reclaim
and retain the land themselves, he
supposed it would not be granted.

I have &c

(Signed) J. J. Henderson
Consul

Despatch No. 369
Inclosure 4.

Mr. Seward to Prince Kung
Peking. December 28th, 1877.

On the 12th of October, I had occasion to address to Y. I. H. a letter in regard to the application of Mr. Stevens, an American citizen, to be allowed to occupy certain beach land in front of the British settlement at Amoy.

I am now informed that doubt exists whether this application is disapproved of by me, and that the fact of such application having been made is preventing the friendly settlement of a question between the British Consul at Amoy and the local Authorities.

I therefore write to say that I entirely disapprove of the application made on behalf of Mr. Stevens, and to request that any question between the

local

local officials and the British Consul, may be dealt with as if the said application had never been made.

In addition to writing as thus indicated to G. I. H. I shall send a copy of this letter to the American Consul at Amoy and direct him to communicate it to the Intendant of Circuit, and to govern himself accordingly.

I have &c

(Signed) George F. Seward

Despatch No. 369.
Enclosure 5.

Mr. Seward to Gen. Henderson.

No. 45. Dec. 28th, 1877

Sir:—

Having reason to believe that the Authorities at your Port are still under the impression that Gen. Stevens' application to be allowed to occupy the beach land in front of the British settlement is countenanced by us I have addressed a note to Prince Kung a copy of which, in English and Chinese I enclose herewith. 1/

You will be so good as to transmit a copy of the Chinese text to the Intendant at your early convenience. You will, please, govern your further course in this matter by the tenor of this communication.

I am &c

(Signed) George F. Seward.

Mr Payson
Col. Morgan

No. 370. One Enclosure

DEPARTMENT OF STATE
FEB 25 1878
RECEIVED

United States Legation.

Peking, December 29th, 1877.

George F. Seward to
the Secretary of State.

Subject.

Legation rent account.

Synopsis.

Submits a statement of account from October 1st 1876. to September 30th 1877. with vouchers for the sale of drafts. Losses by exchange will be drawn for annually.

No. 370. One Enclosure.

United States Legation.

Peking, December 29th, 1877.

Honorable William M. Evarts.

Secretary of State.

Sir:-

Recurring to my despatch, number 187, covering a statement of the Legation rent account from the origin of the lease to September 30th, 1876, I have now the honor to hand to you a further statement, for the year ending September 30th, 1877, and including the (4) necessary vouchers for the sale of my drafts. 1/370

You will notice that the

the drafts drawn December 31st ult. 1876, and March 31st ult. 1877, covered the losses by exchange on preceeding drafts. Upon receipt of the Departments instruction, number 102. of January 8th ult. last, I ceased including such loss in my quarterly drafts for rent, and shall, in the future draw separately for it, at the close of each fiscal year.

I have the honor to be,

Sir,

Your obedient servant.

George F. Seward

Enclosure.

1. Statement of Legation rent account, for year ending Sept. 30th ult. 1877.

Appd & sent to 5th Aud. Apl. 8/78.
H. W. G.

Ack & App — 16

attended to — Mr Bryson

No. 371. One Enclosure.

United States Legation

Peking, December 29th, 1877.

George F. Seward to

the Secretary of State

Subject.

River conservation at Shanghai.

Synopsis.

Mr. Seward has framed a code of rules for the harbor proper, and presented them to the Inspector General and the Diplomatic Body. The difficulty of making rules acceptable to both sides. A certain success attained so far.

No. 371

United States Legation

Peking, December 29th, 1877.

Honorable William M. Evarts.

Secretary of State.

Sir:—

In pursuance of the views expressed in my despatch, number 364., of the 19th instant, in regard to the conservation of the harbor at Shanghai, and its approaches, I drafted some days since a set of rules, committing the care of the Harbor proper to the Harbor Master, and submitted them to the Inspector General of Customs. He expressed warm interest in the subject, as

thus

thus presented, and, having made some valuable suggestions which I embodied in the draft, said that he would ask the " Government to accept the Code, if I could assure him that it would be acceptable to the " Diplomatic Body. I have, in turn, submitted the scheme to my Colleagues, who have accepted it with some modifications, of minor importance.

Whether the scheme in its present form, or in any form into which it can be recast, will meet the approval of the Government, I cannot say. The difficulties met in all such matters, arise from the very

very natural disposition of the Chinese to insist upon inherent sovereign rights, and of foreigners to maintain their independence from territorial control under treaty provisions, as they construe them, and from the distrust in which each side holds the other. To frame rules acceptable to both parties is not an easy task.

In the given case, a certain advance has been made, which I shall follow up to the best of my ability, and as the important interests involved demand.

I have the honor to be,

Sir

Sir,

Your obedient servant.

Geo. F. Edwards

Enclosure.

1. Draft of the rules proposed.

Enclosure with despatch No. 87.

Draft.

Whereas it has become desirable to take measures to prevent the deterioration of the Harbour at Shanghai, the following Rules have been determined upon and having been [communicated to] assented to by the Foreign Representatives will be enforced against natives and foreigners alike.

I. All questions regarding the conservation of the Harbour are committed, in the first instance to the Harbour Master.

II. The authority and control of the Harbour Master, as hereinafter defined, extend to that part of the River opposite to the City, the Suburbs, and the Foreign Settlements, and to that part of the Soochow Creek between the Settlements.

III. Within these limits no stone, earth

Earth, or other solid structure or fabric or deposit of waste or other material upon either bank of the said River or Creek shall be permitted, hereafter, beyond lines which shall be established and marked out by the Harbour Master. The Foreign Commercial Body will be requested to appoint a Commission or Delegate to cooperate with the Harbour Master and Chinese Territorial Authorities in the determination of such lines.

VI. Within the same limits no new wharves, jetties or pontoons shall be constructed or placed excepting with the permission of the Harbour Master first had and obtained and in accordance with plans approved by him.

VII. The Harbour Master may require the removal by the party responsible, of any obstruction to the free course of the River or Creek or any encroachment upon them, made in contravention of the foregoing Rules. Where the responsible

party

[illegible] refuse compliance the Harbour Master shall himself remove the obstruction or encroachment and shall record the [illegible] [illegible] [illegible]

Superscript

N.B. The parts in brackets were embraced in the draft agreed upon by Mr. Hack and myself. They were struck out by my Colleagues with my consent but with entire by with my approval. And the parts underscored added.

J. F. S.

No. _____

Legation of the United States,

Peking, _____ 187_

Wm Payson
Col. Thorpe

No. 372. One Enclosure.

DEPARTMENT OF STATE
FEB
25
1878
RECEIVED

United States Legation.

Peking, December 29th, 1877.

George F. Seward to
the Secretary of State.

Subject.

Mr. Holcombe's traveling expenses.

Synopsis.

Refers to former despatch, number 347. and forwards a duplicate statement of account.

F.M.
Filed

No. 372. One Enclosure

United States Legation.

Peking, December 29th, 1877.

Honorable William M. Evarts,

Secretary of State

Sir:-

Referring to my despatch, number 347, of November 3rd, I have ~~was~~ the honor to hand to you, a duplicate statement of the account therein contained.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward.

Enclosure

1 Duplicate of statement of traveling expenses of Mr. Holcombe

DEPARTMENT OF STATE
FEB 20 1878
RECEIVED

To Mr O'Connor for his opinion

W Hunter
Instruction written but not signed, March 26.

6

No. 373. Two Enclosures.

United States Legation
Peking December 29th, 1877.

George F. Seward to the Secretary of State.

Subject.

The "Keorjeor" case.-

Synopsis.

The question whether interest may be demanded, considered. Mr. Seward thinks that the claim for interest, is, in an especial manner, one for equitable relief and that all the equities involved should be kept in view. States the exceptional nature

nature, and the unexpected duration of the charter, and its large outturn as compared with the first cost of the ship, and dwells upon the delay in presenting the claim as one against the Government. Mentions the action taken by the claimant to collect the claim from provincial officers, and speaks of it bearing upon the question of interest. Mr. Seward doubts whether the demand for interest could be successfully prosecuted but if ordered to advance it will use his best efforts. Suggests that his instructions be not such as to cause embarrassment, in case of failure.

No. 273. Two Enclosures.

United States Legation

Peking, December 29th, 1877

Honorable William M. Evarts.

Secretary of State.

Sir:

You are aware that I have lately asked this Government to declare whether they will pay the amount sought to be recovered by our countryman, Mr. Hill, for the use and loss of a steamer, named the "Keonjeon" which he chartered to the Authorities in Kiangsu, in 1862. You are also aware that, in putting forward this claim, I have mentioned only the principal sum which, according

according to our view, is due and owing, and that I have left the question of the interest to which Mr. Hill may be entitled, open for discussion.

In dealing with the matter since it came before me here, and under the instructions which I have from time to time received, I have had no hesitation in putting forward the demand for Taels 64.000, as the principal sum due and owing. The Chinese Government, by their Viceroy at Nanking, have admitted the use and loss of the steamer, and have offered to make certain payments on these accounts. The claims of Mr.

Hill

Hill is so far defended by the admissions of the Government that the issues long contested by them are now reduced to questions as to the rate of charter which was agreed to be paid, and the amount which was determined upon as an indemnity, in case of loss.

These questions were fully considered in a Memorandum prepared by me for the Foreign Office under date of July 23rd last, and forwarded to you with my despatch, number 307., and do not need to be revived here.

While, however, I have had no hesitation in taking a conclusion

conclusion in this respect, I feel that, under all the circumstances, the claim for interest can only be advanced with much caution. In demanding interest, the claimant must be considered as putting forward a claim for equitable relief which is based upon the fact that he has been long kept out of his money. In seeking equitable relief, he must expect that the equities which tell against him will not be lost sight of, and these, as it seems to me, are by no means such as can be put aside, as of little weight.

I proceed to state what the equities are, on both sides, as they

they occur to me, without further preamble.

A circumstance which may be held to tell more or less against the claimant, is the fact that the charter of his ship, under which he claims, was one of extraordinary value.

The evidence shows that he was to receive Taels 3.000 a month for four months, and, in case of the loss of his vessel, Taels 12.000 as indemnity.

Mr. Mill asserts that the latter sum did not represent the cost of his steamer, and it appears from the evidence taken before the Court at Shanghai, that she must have been worth, judging

judging from the use which could have been made of her, a very much larger sum. Yet, granting the greater value, 3,000 taels a month would afford an exceptional return on any amount which could fairly be declared to be her value.

The charter, made for four months, ran on, moreover, for ten months additional time, until, when the vessel was lost, the account stood:—

For charter, 14 months, Taels 42.000
" indemnity for loss " 12.000

Taels 54.000

It may be assumed, from these figures that the claimant was making an exceptionally good

good business out of the charter of his ship, and it is not surprising that the viceroy at Yanking brought the fact under notice when discussing the case with Gen. Holcombe.

But if we should add to the very considerable sums stated above, interest upon it, for a term of fourteen years, the result would be an amount strangely disproportionate to the magnitude of the original investment, as judged of by the evidence.

I am well aware that a contract is not to be set aside, or disregarded, because one party may have expected to receive an

an extraordinary gain from it. The record, indeed, has shown that there were peculiar risks attending the contract in question, looking to which, if they had been foreseen, it is doubtful whether the Claimant would have granted the vessel to the Chinese, on any terms whatever. It is still desirable, as I believe, to hold all facts in view, where, as in this case, the Claimant is demanding the assistance of his Government to recover whatever may be due to him.

The equities which arise out of the terms of the original contract, and the circumstances of the unexpectedly long use of

the

the ship, are, however, of less importance than those springing from the fact that the claimants case was not brought before the Government here until very lately.

The use of the vessel began in the early summer of 1862, and ended with her capture on or about the 1st of August 1863. The claim for payment from the Government was not advanced until July 1876. More than 13 years had passed, therefore, before a formal demand was made upon the High Authorities of the Empire.

I presume that the rule in such cases is very clear to the effect

effect that interest cannot be demanded of a Government prior to the date when the claim upon which it is founded is brought forward, and I should not be disposed to trouble you with any further declarations as to facts, or statement of considerations involved, if the case were free from certain features which may take it out of the rule.

The Charter of the Keorpeo was made to a Provincial Officer named Takee, and the vessel was used for Government purposes. So far as we know, no payments were made to

Takee

Lakes on the part of the Government, and certainly none such have been made to Mr. Hill. We presume, therefore that the claim is good, as against the Government.

It appears, moreover, that to the officer who chartered the vessel, the claimant constantly appealed for payment. You will find evidence of the fact in the Claimants petition in the cause Hill versus Lakes, at pages 1. to 6. of the printed Minutes, as heretofore sent to you, and also in the evidence which he gave at the trial, pages 9. to 17. Further evidence is given of the fact, in the statement of Mr. Yates, who acted for some time as Mr. Hill's business agent at Shanghai, enclosed herewith, and

as

1/373

as well in the fact and
circumstances of the prosecution
of the action against the Estate of
Lakee, detailed in the minutes
mentioned, in the book
"Memoranda of Four Conversations"
showing my arguments with the
Lieutenant in favor of the claims,
which is also in your hands,
and in my correspondence since
the business came before me
here.

The official position of
Lakee is admitted by the Chinese,
more particularly in a statement
made by the Viceroy Li Hung Chang,
forwarded to you with my
despatch, number 204., and
also in effect by the statements

and

and admissions of the Viceroy at Nanking, as shown in Mr. Holcombe's report, transmitted with my despatch, number 290.

It is to be said, again, that the claimants case was more or less perfectly brought before another official. I refer to Woo who was Taotai (Intendant of Circuit) at Shanghai, who, as such was Commandant of the Yard Corps, in connection with which the steamer was used, who was declared by the Viceroy, Li Hung Chang, in the statement referred to above, as jointly concerned in the control of the vessels used at Shanghai for military purposes, and who, on

two

two different occasions, acted as the representative of the Chinese Government, in settling claims presented by us, on behalf of our people, arising out of the military operations conducted by him, and in pursuance of which the "Keorpeor" was issued. You will find evidence in support of these statements in the petition of Mr. Hill, at page 3. of the Minutes of the trial at Shanghai, in the answer to the said petition at page 8., in Mr. Hill's evidence, at pages 13. and 16., in Mr. Jenkins's evidence on pages 17-19., in my own evidence at pages 30-33., in that of

Mr.

Mr. Cunningham at pages 34.
-37, in the papers submitted
by the defence, at pages 42.-46,
in the evidence of Foo E Chew, at
pages 48.-50, of Lee Wei San, at
pages 51.-54, in the statements
of Leng, Taotai, at pages 14. 16. 17.
18. 19. 22. 23. 24. 25. 28. 30. 31. 32. 33.
34. 36. of the book of "Conversations,"
and in his judgment, at pages
38.-43. of the same document.

It is true that the claim,
as put before Woo, was part only
of the whole claim, but it is also
true that that officer, in
rejecting a part, based his action
upon reasons which would have
held towards the whole, if valid
in respect of the part put forward,

and

and that his rejection of the fact was tantamount to the rejection of the whole, so far as the purpose of the present inquiry is concerned.

While it may be held, then, that notice of this claim, as a claim against the Government, was given to officers of the Government in the early years of its pendency, the fact cannot, perhaps, be considered sufficient to warrant us in seeking now to hold the Government to pay the interest on it from the beginning. Mr. Hill failed in his recourse to Takee. He failed also in his recourse to Hoo.

Ta Ta.

Laotai. What then was his duty, if he wished to protect himself perfectly? Clearly, he should have carried an appeal against Woo and Lake to the Central Authorities. He did not do this, but continued effort to recover from Lake, dealing with him to this end, apparently in his individual, rather than in his official capacity.

Meanwhile the general claims, which had come before me, having a similar origin, had been pressed on the spot, successfully in many instances, unsuccessfully in others, and the latter had been placed before the Legation for its action. It

is

is these for which, after the lapse of fourteen years, the Government now admits responsibility, and upon which, with perfect regularity, I am insisting that they should pay interest.

It is to be said, however, in this connection, that there is no reason to believe that, had Mr. Hill's case been pressed here, it would have fared better than the general claims. We are still struggling to secure the interest due upon them, as we are to secure, as a first step, the recognition of the sum claimed as principal in Mr. Hill's case. It is not, as one may submit under these circumstances

circumstances, a Government which quite deserves forbearance and consideration.

The brief statement thus made, will be examined by the Department in view of all facts and considerations involved, and is, perhaps, as full as may be desirable under the circumstances. I shall, at any rate, know that I cannot do Mr. Mill injustice, for he has told me that he will personally present his case to you.

It remains for you, therefore to communicate to me your instructions. I shall carry them out to the best of my

my ability, but I may say that, in my opinion, I shall do well if I secure from the Government the $4,000. Sacs. If, in your opinion, interest should, or may be claimed, I suggest that, in addition to giving me your instruction to this effect, you should leave me so far free in presenting the case, that I may take a course which will not embarrass us, in case of failure.

I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Seward.

Enclosures.

1. Statement of Mr. W. J. Gates
2. Letter of Mr. Hill.

Despatch No. 373
Enclosure 1.

A Statement of my connection with the case C. E. Hill vs. Jang Tsze and the Chinese Government.

In the winter of 1865 when Mr Hill sailed for the United States I undertook to collect from the heirs of Jang Tsze, his claim Th 42.000. for Charter, and Th 12.000 for the loss of the Steamer "Kinjeo"
Soon after Mr Hill sailed and Jang Tsze's widow's term of mourning had expired, I applied to her for payment. She asked if that money had to be paid now. I replied certainly, as it never had been paid. To which she responded, then Woo Taotai must pay half of it. So You must wait until I can see him. I agreed to do so. Soon after that Woo Taotai came to Shanghae and remained about ten days. Soon after his departure I called again to

2.

Sir Takes Widow about the claim.
To my application on this occasion
She replied with a defiant manner
"produce the Charter party and I
will pay the bill with interest."
Subsequently I made frequent
but unsuccessful attempts to see
her in regard to the claim.
I then called on Le Wai Sau
the head manager of all Takes bu-
-siness matters. He admitted that
there were bills unpaid, but said he
could pay nothing without instruct-
-ions to do so. From time to time
I made attempts through Chinese
Officials to have the claim paid.
In the winter of 1873 I went from
France to New York to consult with
Mr. George F. Seward then Consul
General for China in regard to
the propriety of my asking the
Washington Government to pay
the claim out of the Canton
indemnity fund. To my
certain knowledge Mr Bird
personally, or in his absence by
his

his agent never ceased to press the settlement of this claim from the time the steamer was lost to the date of the trial at Shanghae in 1875.

(Signed) Matthew F. Yates
Shanghae September 10th 1877.

Sworn to before me at
Shanghae Sept 13th 1877
(Signed) O B Bradford
Dep't Consul General

U.S. Consulate General
Shanghae Sept 13th 1877.

Despatch No. 573
Enclosure 2

Tientsin September 22nd 1877.

To

The Honorable George F. Seward
United States minister in China

Sir

You are so familiar with all the particulars of my claim against the Chinese Government for the use and loss of the Steamer "Korjew" that I should not have presumed to trouble you further in the matter, had not the Chinese Officials entirely changed their ground.

When my claim was first presented by your Excellency it was resisted altogether. Now it is admitted that I am entitled to some compensation for the use and loss of the Steamer, and even to interest on her value, but the amount of my claim for such use and loss is disputed, on the ground that it is excessive and interest on the sum claimed for the use of the vessel is refused on the ground 1st that the Charter party under which she was employed is not produced and 2d that the claim as against the Chinese Government is a new one.

To the suggestion that my claim is excessive, I reply 1st that it rests upon contract, and 2d that in China as Elsewhere the value of a thing depends upon circumstances. At the time when the "Korjew" was chartered she was the only vessel in China that could do what she did, and she was of great use I might say indispensable to the Chinese Service.

The evidence on this point is so full that to

to discuss it would be a waste of your v-
-uable time, besides it appears from the ti-
of Cunningham, Miller and Westall. Me
connected with three of the largest Houses
in China at the time the vessel was chartered.
That the "Kowsow" would have been worth for pu
mercantile purposes more than the amount
-ulated in the Charterparty and it is now po
-itively known that Yoke in his accounts
the Government charged Taels Five Thousand
per month instead of Taels Three Thousand
for her use, and Taels Thirty Thousand inste
of Taels Twelve Thousand as indemnity for los

As to the non production of the Charterpa
the evidence before your Excellency clearly show
that it was with other papers abstracted from
the United States Consulate at Shanghai, a
the Viceroy at Nankin, in his correspondence
with Mr Holcombe Secretary of Legation
admits that he knows it was stolen, and gi
the date of the proposed sale of the Steamer
Taels Eight Thousand five Hundred, which he
could only know from the bill of sale that wa
attached to, and deposited with the Charterpa
and had not the Charter party been stolen the wh
sum claimed with interest at the then exch
-ange among Chinese would have been paid
by the Widow of Yoke to Dr Yates in 1866, a
this suit been saved, this I think should
dispose of that objection, but I may add tha
if any thing can be proved by human testimon
the former existence and the terms of that do
-cument have been fully proved, and nothing
that I can say will add anything to the with

weight of the testimony already before Gov-
ernor. If the non production of the Charter party
is a defense to the claim for interest it ought to
be a complete answer to my whole claim a portion
of which is admitted.

To the suggestion that the claim as against
the Chinese Government is a new one I can only
say that as the Charter party was executed by Yokee
I have always looked to him and his representatives
for payment and the Chinese Government
will say that whatever sum is paid must be
paid by the representatives of Yokee.

It was the United States Government that de-
cided "that as Yokee was only the agent of
the Chinese Government that Government and
not Yokee was responsible" and now the Chinese
Government by the Viceroy of Nankin admitting
even a part of my claim have recognized
Yokee as their agent in this matter and as
I have never ceased to press my claim against
Yokee and his representatives either in person
or through my agent The Rev Dr Yates late
U. S. Vice Consul General and Interpreter at
Shanghai (his affidavit to that effect inclosed
herewith) the Chinese Government cannot now
treat my claim as a new one or charge me
with ~~laches~~ neglect. But I consider my claim
for interest a just and equitable one and will
consider it on equitable grounds.

If when the claim was first formally presented to
the Chinese Government it had been admitted
(leaving of course all questions as to amount etc)
there might have been some slight ground for
saying that interest ought to be paid for a part

of the case only or as the Chinese Govern
have offered the Spanish Government on
of the "Serrano" an amount of interest equ
to the principal only should be paid, but inst
of admitting my claim wholly or in part
an attempt was made to prove that the Engi
was never in the Chinese service, and I
have been put to great trouble and expense
by being obliged to prove what was well
known to the Chinese Officials, and what
now admitted by them. Under these circum
-stances, and the fact that the Charter was br
by them or their agents, the refusal of interes
is an attempt of the Chinese to take advantage
of their own wrong. I therefore submit that m
claim for interest is good on purely equitab
grounds, and I fail to see on what groun
a distinction can be made between my claim
for interest on the value of the Steamer which
admitted, and that for interest on the amou
due for her use both claims arising under
the same Contract the Charter party.
I therefore most respectfully beg to submit
that I am justly and equitably entitled to
interest on the full amount claimed for
Charter and indemnity, from the date of
the loss of the Steamer until I am fully p
The rate of interest I am quite willing to
leave as I left it in my original application
to be settled by Your Excellency, but I submit
that the rate of 10% per annum the rate pro
-posed by the Chinese Government as interest
on the indemnity for the loss, and the rate
given Your Excellency by the Oriental Bank
Corporation

speculation of Shanghae and must take
the rate prevailing at the time of the trans-
action in question should be the minimum
especially as the rate paid by the Chinese Gov-
ernment on the loans for Five Millions Taels
for five years just negotiated is officially
announced through the Peking Gazette as
being 15% per annum.

In closing permit me to say that my connex-
ion to the time the case was placed officially
in your hands when Consul General may appear
to your Excellency unduly ill adduced and
illogical, and if so to you who know my character
and the whole circumstances so well, how much
more so to the Government at Washington
Throughout the whole time however I have
acted with the best intentions. Foker and I
were warm friends. He never denied or even
refused to pay the full claim, only asked for
a little delay. Neither did his widow until
after Woo Taotai came to Shanghae at her
request and the Foker party was taken.
Even there I honestly believed that Dr Yates
with his great knowledge of and influence
with the Chinese could collect the claim with-
out giving my own Government Officials
trouble and saving Foker heirs from being
unmercifully squeezed as they now will be,
by the Chinese Officials. Taking these things
into consideration, and the fact that one
thousand Taels for investment in Shanghae
was much dear, more than five thousand now
and that Foker did invest the money dear
here in property that has paid for itself five

five times over, and is now worth five times the sum paid for it. While I have been patiently waiting for my just due, I do not think that a delay (even if my fault) which has resulted so favorably to him and so disastrously to me should operate against my claim for interest for the full time.

I am well aware that Your Excellency has both as Consul General and United States Minister devoted much time and attention to this matter, and it is with great reluctance that I trouble You again on the subject but I trust that its great importance to me will be considered a sufficient excuse

With many thanks for your kind and ~~Earnest~~ action throughout the whole case

I remain
Your Excellency's
Obedient Servant
Charles E. Hill.

Ack. &c. There is a disposition to be as liberal in the appropriation may allow, but as there has been a reduction, no material increase in the expenses of the United States Legation at Peking, other Legations in China, can be allowed.

No. 374. One Enclosure.

Peking, December 31st, 1877.

attended to.

George F. Seward to the Secretary of State.

Subject.

Contingent Expenses Account.

Synopsis.

Account rendered to June 30th, 1877. A deficiency of $327.77 shown, and request made to be allowed to draw for the amount, and that the sum granted to the Legation for Contingent Expenses be increased, for reasons stated. The account rendered annually

annually, under special
instructions.

No. 374. One Enclosure.

United States Legation.

Peking, December 31st, 1877.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to hand to you herewith my account for Contingent Expenses to the 30th of June last. 1/374

The rendition of the account has been delayed, partly because of the pressure of business, and partly because owing to the distance from the seaboard, it is difficult to get vouchers in at an early moment. I understand that the Department

Department is willing that it shall be rendered annually, and, in this connection, beg leave to refer you to Governor Low's despatch, number 228., and Mr. Fish's instruction, number 131.

You will see that our expenditures have amounted to $727.77/100, while the sum allowed to the Legation is $400. A deficiency of $327.77/100 is thus shown.

All the items of the account are, I believe, legitimately chargeable to the Government and the sums reported have been actually and necessarily paid out. Under these circumstances, I think that I am justified in asking the Department to

make

make good to me the deficiency, if this can possibly be done.

In order that you may the more readily pass upon the matter, I shall separate the items, and make such comments upon them as may be appropriate.

The following sums have been paid for postage:—

For	3rd	quarter 1876	$10.81
"	4th	" "	10.77
"	1st	" 1877	14.62
"	2nd	" "	12.46
			$48.66

This amount is considerably less than the sum which would be chargeable if the account were strictly kept. The Consulate

General

Consulate General says the postage on letters to and from the Consuls, so far as it has to be paid at Shanghai, which is the case in nearly all instances.

The following amounts have been paid for stationery and flags:—

For stationery	$146.00
" flags	32.88
" stationery	3.75
" " Chinese	38.44
	$221.07

This may be more or less than an average of the yearly expense, but I may say that in this case, also, we are more or less indebted to the Consulate-General, a considerable sum, for

of

of despatch papers having been given to us out of the stock provided for that office.

For newspapers we have paid:— North China Herald
North China Daily News } $50.00
Celestial Empire 15.25
$65.25

Three papers are allowed by the Department. Two of those taken are weekly issues, one a daily. The rates are much higher than at home, for obvious reasons. The North China Herald has heretofore been bound, and kept for reference, and I propose to bind the Celestial Empire for the same purpose.

For binding correspondence and

and newspapers, the following amounts have been paid in

North China Heralds	$18.54
Correspondence	66.35
	$84.89

These items may be larger than usual, for the reason that the work was in arrears. The cost is higher, perhaps, than elsewhere. It is an expenditure, however, which cannot be avoided, and care has been taken to reduce the sums as much as possible.

I have brought into the account, the item for service of Courier, under the following circumstances. The Inward Mails are delivered to the Consul at

at Tientsin, and between this
port and this city, a distance
of 80 miles, there are no mail
facilities. For years this Legation
was dependent for the carriage
of its mail from that port,
and, as well, for that of outward-
bound matter, upon the courtesy
of other Legations, and the
Customs Department. Frequent
delays occurred in this way,
and, moreover, there seemed no
reason why we should not
share the expenses thus incurred.
It was a case which affected
the dignity and the convenience
of the Legation. The most
economical arrangement
possible was made. The cost

as

as stated, for the year, was $120.

The wages of a Chinese writer are also brought into the account. It is impossible to do the work of the Legation without such an assistant. The charge made is the same as that which is embraced in the miscellaneous expenses accounts of the several Consulates, and which has been allowed, on a full consideration of the circumstances by the Department, as will be found upon an examination of my Shanghai correspondence. Heretofore the Secretary of Legation has paid the writer employed by him.

The

The amount is less than is paid in any other Legation, and ought, in justice to the individual, to be increased, at least one half. This item is $15. a month, or, for the year ——— $180.00, a sum which will appear to you very inconsiderable, when I state that the recipient is a thoroughly educated man, who devotes his entire time to the Legation work.

The item for Messengers wages has been brought into the account, under the following circumstances. It is necessary to employ such an assistant, not only because there are letters to be transmitted to various parts

of

of the city, but also because this can only be done by private hands, and, having regard to local etiquette, by a person wearing an official dress, and making a becoming appearance. He must go on horseback, as a rule, but, as the horse which is kept mainly for his use, is also used otherwise, no charge for the further expense thus incurred is brought forward. The Messenger's wages are $8. a month, or, for the year $96.00

For a "Hong List", or Annual Directory of all foreign residents in China, Japan, and the Philippines, and containing much other valuable information,

there

there has been paid $2.25
It contains, in particular, the
names of foreign firms and
establishments, in English and
Chinese, and must be resorted to
often, to determine what firms are
referred to in our Chinese
correspondence.

These items

For postage	$48.66
" Stationery	221.07
" Newspapers	65.25
" Binding, etc	84.89
" Courier's pay	121.00
" Writers "	180.00
" Messengers "	96.00
" Hong List	2.25
with loss by exchange on my draft for $400. say	8.65
amounting to	$727.77

827.77 The

The amount formerly allowed to this Legation, to meet Contingent Expenses, was $600. Stationery was then sent out by the Department. Our allowance has therefore been cut down $200. and new expenditures imposed upon us, amounting to about an equal sum.

During the period since I took charge of this Legation, I have been obliged to meet a further expense for copying, the demands upon my own time and that of the Secretary of the Legation being frequently inadequate to the performance of the duties falling upon us. A Chinaman, educated in America

America, has been so employed by me, for more than three quarters of the time mentioned. An allowance of not less than $250. a year would afford only a fair measure of relief in this direction.

I beg leave to ask, therefore, to be allowed to draw upon you for the sum of $32 77/100, the amount due upon the enclosed account, and that the allowance for Contingent Expenses be made $1000. a year, for the future, beginning from the 1st July last; $250., or so much as may be needed of this sum to be devoted, each year, to defray

the

the cost of extra copying.

Beyond calling your attention to the insufficiency of the allowance made to this Legation, I think I may venture to point out that it does not seem to be in fair proportion to the allowances at other points. You will be able to judge whether this is true or not. I could give instances, but as this might not be considered appropriate, generally, I content myself by mentioning that the allowance in Japan is greater than ours, while, so far as I know, the expenses incident to the conduct of a Mission there, are less than those which

must

must be met here.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Evans

Enclosure.

1. Contingent Expense account for the year ended, June 30th, 1877.

Mr Payson
Col. Morgan

No. 375. One Enclosure.

United States Legation.

Peking, December 31st, 1877.

DEPARTMENT OF STATE
FEB 25 1878
RECEIVED

George F. Seward to
the Secretary of State.

Subject

Accounts for telegraphing.

Mr. ...

Mr Payson,

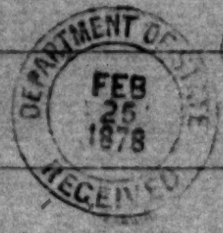
Mr Hunter says, authorizing Mr Seward to draw on Secty of State for telegrams referred to in his No 370

J. Morrison

Feby 26/78 attended to.

Mr Kayson
Col. Morgan

No. 375. One Enclosure.



United States Legation.
Peking, December 31st, 1877.

George F. Seward to
the Secretary of State.

Subject
Accounts for telegraphing.

Synopsis.

A sum of Mexican $91.02 expended for telegrams relating to the suspension of Mr. Myers. An account rendered, and an inquiry made whether Mr. Seward may be allowed to draw for the amount.

No. 375. One Enclosure.

United States Legation,

Peking, December 31st, 1877.

Honorable William M. Evarts.

Secretary of State,

Sir:—

You will remember that I had occasion, when dealing with Mr. Myers' case last Spring, to send to you two telegrams.

For the expense thus incurred, I did not, at the time, render an account, and the matter has not occurred to me since, until the present month. I beg leave, therefore, to submit to you a statement of the sum so paid out by me, and

No. 375.

and to ask whether I may be allowed to draw for the amount in usual course.

I have the honor to be,
Sir,
Your obedient servant
Geo. F. Broads

Enclosure.

1. Statement of expenses incurred in sending two telegrams dated March 28th, and April 4th, 1877.

Mk. to 76

W. Payson

No. 376. One Enclosure

United States Legation.

Peking, December 31st, 1877.

George F. Seward to

the Secretary of State.

Subject.

Furniture account.

Synopsis.

Transmits amended account, as instructed in Department despatch, number 128. Apl. 7. 1877

No. 376 One Enclosure.

United States Legation.

Peking, December 31st, 1877

Honorable William M. Evarts.

Secretary of State.

Sir:—

In my despatch, number 195, I had the honor to inform you that I had paid to the Secretary of Legation $1000. being one third of the amount appropriated to purchase furniture for this Legation, and asked you to approve my action and authorize me to restate the account.

The request was approved in your despatch, number 128, and

1/376. and I now transmit to you an amended account which has been prepared in conformity with your instructions.

I have the honor to be,

Sir,

Your obedient servant.

Wm. H. Seward

Enclosure.

1. Account for Furniture for the Minister. "A."

Account for Furniture for the Secretary of Legation. "B."

ack April 6 -

3 Vol 76

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No. 377. Three Enclosures.

United States Legation.

Peking, January 2nd, 1878

George F. Seward to

the Secretary of State

Subject.

The Shanghai Riot claims.

Synopsis.

The Prince answers Mr. Seward's letter to the effect that the claims will be considered, when the "murderers" of certain Chinese who lost their lives shall have been furnished. Mr. Seward indicates that their defense is not a good one, but that it will be adhered to with pertinacity.

No. 377. Three Enclosures.

United States Legation

Peking, January 2nd, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:

Referring to the matter of the riot at Shanghai in May 1874, and to the claims of our people for losses sustained therein, I have now the honor to hand you a copy of Prince Kung's response to my letter of the 15th ultimo, and also a copy of my rejoinder, dated the 29th December, and a copy of the letter written by Mr. Brenier, in answer to a despatch from the

1/377

2/377

3/377

the Prince, referred to by the latter, in his letter to me.

A reference to the files of the Shanghai correspondence will show that the riot in question was the result of a movement undertaken by Chinese with a view to prevent certain public works being carried out by the French Municipal Council. The given Chinese may have had reason to complain, but there was no occasion for a popular rising. In point of fact, the difficulty was in course of adjustment, when the riot occurred.

During the course of the disturbance, certain foreign-owned property

property was destroyed, and some few foreigners were more or less injured. Seven Chinese were killed outright.

Whether these latter met their fate, when red handed, by the hands of persons acting clearly in self defence, or in the course of a riot, stricken down by those who grew wanton in face of what seemed a general attack on persons of their race, has never been " determined, as a matter " pertaining to the settlement of the given claims. It is the business of the state to discharge the claims, and to move for the prosecution of any offenders, upon

upon entirely different lines. To declare that the Government of the Empire is not responsible for what was clearly the work of a Chinese mob, because certain Chinese concerned in the emeute lost their lives, possibly or probably at the hands of foreigners, and because these latter have not been punished, is clearly illogical and indefensible.

This however, is the defense set up by the Government. It is characteristic of Chinese ideas, and having a certain color of right will be adhered to with pertinacity.

I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Seward

Enclosures.

1. Prince Kung to Mr. Seward
December 20th, 1877.
2. Mr. Seward in response.
December 29th, 1877.
3. Mr. Brenier to Prince Kung
December 23rd, 1877.

Despatch No. 377
Enclosure 1.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication in reply.

I have had the honour to receive H. E's despatch of the 13th instant stating that H. E., the French Minister has shown to you his despatch to me regarding the riot in the French Settlement at Shanghai, and remarking in regard to losses sustained at that time by American citizens, that H. E. had been desirous to avoid bringing forward a claim for indemnity although entitled to it by Treaty, for the reason that questions occurring in the French settlement concern more particularly the French Authorities, and that he had hoped that the negotiations undertaken by them, would secure the indemnification of Americans; and adding that those losses are inconsiderable, amounting perhaps, to no more than two or three thousand taels, etc. etc.

I beg leave to remark in reply, that the riot in the French Concession in Shanghai has, heretofore, been a subject of negotiation between this Office and H. E. M. Rochechouart, and that upon the 24th and 26th of May 1876, he had, with me, personal interviews at this Yamen. It was then agreed that the French Consul at Shanghai, in concert with the local Authorities should make inquiry to determine who were the instigators of the disturbance, and devise some satisfactory settlement of the questions involved. This Office thereupon instructed the Southern Superintendent of Trade, and the Governor of Kiangsu to direct the Intendant at Shanghai and other officials, in conjunction with the Consul to discover who were the perpetrators of the murder of Cho Yü, Hua Yüeh-hsiang, and others, seven in all, who lost their lives on that occasion, in order that they might pay the penalty of taking life, and

that

that, in regard to property destroyed, a mode of adjustment was at hand, etc. Thereafter a reply was received from the Southern Superintendent of Trade stating that repeated conferences had occurred with the Interpreter (French) in regard to the course to be pursued with the perpetrators of the murders.

In November last, this Office received a despatch from H. E. the French Minister, to which response was made requesting H. E. to direct his Consul at Shanghai in concert with the Customs Intendant at that port to punish the murderers of the Chinese as a first step, etc. etc.

As H. E. now informs me that you have seen a copy of H. E. the French Minister's despatch to this Office, it becomes my duty in response to inform you of the particulars of my answer to Mr. Brenier.

Referring to H. E.'s statement that

that certain of Your People were sufferers on that occasion, this Office has carefully examined the records of the case, and find no report from H. E. the Southern Superintendent of Trade, to that effect.

H. E. George F. Seward,
&c. &c. &c. &c.

Peking, December 20th, 1877.

Despatch No. 377
Enclosure 2

Mr. Seward to Prince Kung.

Peking, December 29th, 1877

Sir:—

I have had the honor to receive the letter which G. L. H. addressed to me on the 20th instant, in response to my despatch of the 15th touching the losses suffered by Americans in consequence of the riot of the 3rd of May, 1874.

I will direct the Consul General at Shanghai to produce to your officers at that Port proof of the losses, whenever informed by G. L. H. that they will be instructed to examine the same with a view to their settlement.

In view of your answer to my despatch and your declarations to the Minister of France, I ought to repeat to you my candid and clear opinion that the emeute mentioned was the work of badly disposed Chinese, that the losses mentioned resulted naturally, from their recourse to illegal measures, and that, under

the

the provisions of the Treaties, and in accordance with the rule of Governments generally, our people are entitled to be indemnified by you.

I trust therefore to receive soon from Y. E. information that the officials at Shanghai will be directed to undertake the settlement of our claims as indicated.

I have, &c

(Signed) George F. Seward.

tion de France
n Chine.

Pekin, le 23 Décembre 1874.

Despatch No. 377
Inclosures 3.

Monseigneur,

J'ai reçu la lettre que Votre Altesse Impériale m'a fait l'honneur de m'écrire le 15 de ce mois en réponse à celle que je lui avais adressée relativement à l'affaire du 3 mai 1874.

(Suit le texte de la lettre de S. A. I. le Prince Kong)

Je vois avec plaisir qu'un seul point nous divise encore et je suis sûr qu'il disparaîtra, dès que Votre Altesse Impériale sera mieux et plus exactement informée des circonstances de l'affaire en question.

Il est vrai que, pour me servir de

on Altesse Impériale
onseigneur le Prince Kong,
ident du Tsong-li Yamen.

Pekin.

la poétique comparaison de Votre Altesse Impériale, « quand l'eau, en tombant « sur la terre, aura mis à nu les — « pierres, il faut que la mort de la « victime soit compensée par celle de « l'assassin. »

Mais les soldats de S. M. l'Empereur qui tuent les brigands du Chan-si ou les rebelles du Turkestan sont-ils des — assassins ? Non, certainement. Eh-bien, ceux qui en défendant leur vie et celle de leurs familles contre des pillards et des incendiaires, ont tué, si j'en crois la lettre de Votre Altesse Impériale, sept de ces malfaiteurs, ne le sont pas — davantage, et, je l'avoue franchement, si j'étais à la place du Gouvernement chinois, je tiendrais à honneur de ne plus invoquer un pareil moyen pour repousser une juste réclamation.

Avant de la porter devant Votre — Altesse Impériale, j'en ai étudié avec grand soin le volumineux dossier, et, si Elle veut bien en prendre connaissance également, je ne doute pas un instant

qu'Elle soit alors obligée de reconnaître, 1°, que l'agression matérielle, ainsi que j'ai déjà eu l'honneur de le Lui dire dans ma première lettre, est entièrement le fait des Chinois et que, loin de poursuivre leurs victimes, ce sont les auteurs de cette révolte qui devraient être poursuivis criminellement, ainsi que les autorités chinoises qui n'ont su ni rien prévoir ni rien empêcher ; 2°, que les étrangers, renfermés dans leurs maisons, n'ont fait que défendre leur vie, celles de leurs familles et, sans succès, leurs propriétés.

Votre Altesse Impériale y verra également que les autorités chinoises elles-mêmes conviennent que l'<u>émeute</u> du 3 mai 1874 a été provoquée par <u>des gens mal intentionnés</u>. Elle en aura la preuve si Elle daigne lire la lettre que le Trésorier Général de la province du Kiang-Sou, Yin-Tao-che, écrivait à M. Godeaux, Consul Général de France à Shang-haï, <u>cinq</u> jours après l'événement c'est à dire le 23e jour de la 3e lune

de l'année 1874.

Ce haut fonctionnaire remercie — chaudement le Consul Général (pièce n° 1) « d'avoir su préserver de toute « atteinte les bons rapports existant « entre nos deux pays et d'avoir — « empêché l'émeute de se répandre sur « les Concessions voisines de la nôtre. « Enfin, il se réjouit de la façon dont « les choses se sont passées. » Il ne dit pas un mot des Chinois tués et, certes, c'était le cas ou jamais de réclamer des poursuites contre ceux que Votre Altesse Impériale appelle des meurtriers et qui sont les réelles victimes; mais, loin d'invoquer un tel grief, le Trésorier Général est tellement persuadé qu'il n'existe pas qu'il ne parle que de l'indemnité à régler et il compte pour cela sur les dispositions amicales et l'équité du Consul Général de France. Ce n'est que deux mois après que le Taotaï de Shang-hai, chargé de payer cette indemnité, inventa le système de

compensation dont parle Votre Altesse Impériale et que, mieux informée, Elle repoussera comme indigne d'un grand Empire.

Si toutes ces preuves ne lui suffisent pas, que Votre Altesse Impériale daigne également lire l'enquête faite par le Consul Général et dont le résumé se trouve relaté dans la lettre que M. Godeaux écrivait au Tché-fou-Chien de Shang-hai le 26 Juin 1874 (pièce n° 2). Elle y verra une nouvelle preuve de ce que j'ai dit plus haut, à savoir notamment « que la responsabilité des « faits qui se sont produits le 3 Mai « 1874 doit être attribuée exclusivement « aux Chinois. On les a vus assaillir « sans provocation et assommer à « moitié un agent de la police, puis « attaquer et blesser d'autres étrangers « et finalement incendier à deux — « reprises différentes tout un bloc de « maisons. » Si mes nationaux avaient commis un délit ou un crime, ils — eussent été depuis longtemps poursuivis

et punis suivant la rigueur des lois, et même, en cas de doute, nous sommes toujours disposés à faire pencher la balance du côté des Chinois : le Gouvern.t de Votre Altesse Impériale est dans l'impossibilité de me citer un fait contraire à ce que j'avance. Mais, je le répète, l'enquête faite avec le plus grand soin par le Consul Général, faisant fonctions de Chambre des mises en accusation, (pièce n.o 3), prouve jusqu'à l'évidence que les étrangers n'ont fait qu'user du droit de légitime défense et ils ont dû, par conséquent, être mis en dehors de toutes poursuites. Cette décision judiciaire, prise par le Consul Général de France à Shang-haï, en sa qualité de Magistrat instructeur, est irrévocable et la confiance qu'il inspire aux autorités chinoises doit être pour Votre Altesse Impériale une garantie indiscutable de l'impartialité de sa décision.

Je suis donc certain que Votre Altesse Impériale, dont je connais le profond

amour pour la justice, renoncera à un système que nous serions plus autorisés, je le répète, à faire valoir nous-mêmes contre les pillards et les incendiaires chinois du 3 Mai 1874, et n'hésitera pas, maintenant qu'elle connaît l'affaire sous son vrai jour, à ordonner que la question d'indemnité, la seule qui puisse être examinée, — soit réglée le plus tôt possible à la satisfaction de nos deux Gouvernements.

Veuillez agréer, Monseigneur, les assurances de ma très haute —— considération.

Ack^d March 8.

McPherson

No. 378. Two Enclosures.

United States Legation.

Peking, January 2nd, 1878

George F. Seward to

the Secretary of State.

Subject.

The Mint Proposal.

Synopsis.

The Foreign Office declares that it is impracticable. The foreign Representatives likely to take up the currency question, in a practical form, by endeavoring to secure uniformity in the scales, and at the ports, and to correct valuations of

foreign

foreign coins. Information regarding these matters was sent to the Department last winter in Mr. Seward's response to the Queries of the Monetary Commission.

No. 378. Two Enclosures.

Peking, January 2nd, 1878.

Honorable William M. Evarts,
Secretary of State.

Sir:—

You will remember that, in March last, the several foreign Ministers resident here, addressed to the Government an identical note, asking whether any steps could be taken to establish a Mint, and a currency of uniform character, and that Prince Kung responded that the subject had already been referred to the Northern and Southern Superintendents of Trade.

On the 11th ultimo, as no further answer had been received,

my

my colleagues and I addressed
1/378. another note to the Foreign Office,
asking whether any progress had been
been made in the matter. To this
2/378. note we have received a response
which is eminently unsatisfactory.

You will see, upon perusing
it, that the Government decide
adversely, because "the monetary
"systems of China and of other
"countries are diverse, and it
"would be difficult to give them
"uniformity," and because there
would be "insurmountable
"obstacles" in the way of securing
the general recognition in China
of a unit of money.

It is perfectly safe to say
that the Government could not,
possibly,

possibly, have understood the foreign Representatives as proposing the unification of currency the world over, and that in raising this question, they meant only to give color to the somewhat bald response which has been sent to us.

It is safe, also, to say that the Chinese would not be likely, in establishing a Mint and issuing coins of uniform value, to make laws requiring the people to accept them as legal tender. Their course would be to throw such coins into circulation, leaving the people to take them to a greater or less extent, as they might see fit. After a season, they might declare them to be legal tender, but this

certainly

certainly, would not be done at first, excepting for the payment of Customs and other Government dues.

The readiness of the Chinese mercantile and producing classes to receive coins is well indicated by the fact that, for years, Spanish and Mexican dollars have been largely accepted at Shanghai and the Southern Ports generally, and that we have thought it worth while to coin a special dollar for exportation to this Empire.

These facts must have been patent to the Government, and leave us free to suppose that they have not cared to give their real reasons for discountenancing the proposal.

It

It is not impossible that they resent mention of the matter by the Agents of other Governments. A hint to this effect is given in the last paragraph but one of the Prince's letter.

It cannot be said, however, that the course taken by my colleagues and myself, was, in any way pretty open to criticism. The question is one which concerns us in a very direct and important way. There is not a foreigner in China who is not obliged to accept the irresponsible declaration of Chinese agents and assayers, as to the value of the given pieces of bullion, and even of the foreign coins which are in circulation.

The

The Customs Houses, at the different ports, have decided arbitrarily the value, in the actual currency of the port, of the tael which is demanded in payment of duties. In some cases, payments are increased two, three, or more per cent, in this way. Such a condition of things certainly demands attention.

It is true, moreover, that my colleagues and I had reason to believe that the proposal to establish a Joint was receiving favorable attention. I have, heretofore, informed the Department that, upon a suggestion of my own, it was brought before the Government by Mr. Hart, the Inspector General of

Customs

tentions, at a moment when the Chinese were anxious to make terms with the English Authorities for the settlement of the Gumaon case, that it was accepted by them, subject to the approval of the Northern and Southern Superintendents of Trade, that these latter declared themselves favorable, and that a tender was made to the British Minister to embody the matter in the Chefoo Convention.

I have informed you, also, that, although the British Minister did not bring the proposal into his settlement of the Gumaon case, the Foreign Office appeared disposed, at a date several months later, to regard the plan favorably.

The

The action taken by myself and my colleagues was, therefore, dictated by an actual concern in the question and was opportune and appropriate, looking to what had occurred.

There are, doubtless, many reasons why the mass of Chinese officials should not care to regulate their currency. Where it is stated that each city in the Empire has a currency of copper coins, of varying size and intrinsic value, although of one denomination; and of silver ingots of no determined fineness, weighed by scales which are of local standard, it will be manifest to you that the confusion resulting is beyond description

description. Yet doubtless there are many profits taken out of this condition of things, by money-changers, assayers, the values of bullion, and dealers generally. This may very well be the case also with the receivers of taxes, of Customs dues, etc., and with the official class generally who are largely farmers of the public revenues, or the recipients of favors from those who are.

In a communication which I had the honor to address to the Department in the early part of last year, conveying answers to the questions addressed to our Ministers abroad by the Congressional Monetary Commission, I dealt with

with many of these questions, and remember, in particular, to have stated that the copper coinage of the Empire, when issued at a standard value, which is seldom the case, should give a profit of about forty per cent. It is coined, or rather cast, in the provinces, and may be the source of many profits, besides the legitimate one mentioned, of which the Government takes no official cognizance.

I have stated that the Government appeared disposed to take up the proposal for a Mint, and that the Northern and Southern Superintendents of Trade regarded it favorably. It would have been safe to predict its

failure

failure, however, in case it should be referred to the Intendants of Circuits, as it now appears was done. These are administrative officers, a leading part of whose concern is the collection and disbursement of the revenues. As such, they are likely to be so far interested in the profits to be derived from the condition of the currency, as to be unfit to advise remedial measures.

It would be possible for my Colleagues and myself to make an answer to the Prince which would indicate that his letter does not touch the merits of the proposal, that it is one which concerns the interests committed

committed to us, and that it was
advanced under circumstances
which appeared to warrant the
belief that the Government had
the matter under favorable
consideration, but, in doing so,
we should be obliged to speak
in a manner which would
not, perhaps, be quite pleasant
for ourselves or for the
Government. In particular, if
we should enter upon an
extended argument in favor of
a Mint and a Coinage, we would
further expose ourselves to the
danger of being rebuffed, and it
is doubtful whether any thing
whatever would be gained. A
foreign Minister in this country,

who

who wishes to exercise influence in favor of progressive measures, must either confine his efforts to matters which are strictly within the limits of his official cognizance, or pursue the object with a great degree of carefulness and delicacy. Formal official correspondence is more likely to do harm than good.

It is my opinion, therefore, that we should now address ourselves to the correction of grievances connected with the currency, of which we have a right to complain under the provisions of the Treaties. For instance, the tariff of duties on all articles exported and imported is declared

declared to be uniform at all the ports, and no special privileges are to be conceded to any nationality. Yet, at Tientsin, the Russians are allowed to pay the local currency into the Customs House, at the rate of 1.03 local taels for 1 Haikwan (Customs) tael, but the people of other countries must pay at the rate of 1.05/100. A Tientsin tael is known to be worth something less than 5% more than a Shanghai tael, yet, at Shanghai 1.114 local taels are demanded for 1 Haikwan tael. Similar discrepancies between the currency at other ports, and the Customs currency, are known to exist.

For

For the remedy of these evils, we may appeal to those provisions of our Treaties which bind the Government to deliver standard scales to the Consuls at the different Ports. (United States Treaty, Tientsin, Art. XII.

In the same way, it is known that the Mexican and Trade Dollars are undervalued, as compared with the Hongkong Dollar, and all, perhaps, as compared with the Haikwan tael. We may demand the rectification of these values, under other stipulations of the Treaties, which, however, are not, perhaps, as explicit as in the other case.

The way is clear, therefore, if

if this can be said under any circumstances in China, for us to seek to introduce reforms in the direction indicated. That we can accomplish them, " without much effort, is " unlikely.

From conversations held with my colleagues, I believe that they will be prepared to undertake joint action in these matters. One of them, at least, has given much study to the subject, and all are concerned to remedy so abnormal a condition of things.

I have the honor to be,
Sir, Your obedient servant.
Geo. F. Seward

Enclosures

Enclosures.

1. Hon. Seward to Prince Kung.
December 11th, 1877

2. Prince Kung in response.
December 19th, 1877

Despatch No. 378.
Inclosure 1.

Informal.

Mr. Seward to Prince Kung.

Peking, December 11th, 1877

Sir:

On the 31st ult. of March last, I had the honor to address Y. I. H. in regard to the inconveniences experienced by the mercantile communities in China in consequence of the absence of a real Chinese currency, and of a uniform standard of value for the whole Empire.

Y. I. H. on the 9th April last, informed me in reply that in order to enable the Government to arrive at a conclusion on the subject, the Superintendents of Trade for the Northern and Southern Ports had been instructed to report as to the possibility of introducing a currency.

Referring to this correspondence, I beg now to request Y. I. H. to inform me whether any progress has been made towards the solution of the above question.

I have, &c.

(Signed) George F. Seward

Despatch No. 378.
Enclosure 2.

Informal.

Prince Kung to Mr. Seward.

Peking, December 19th, 1877.

Sir:—

I have had the honor to receive H. E.'s note inquiring in regard to the establishment of a Mint in China, and beg leave to reply that, in March last, having been favored by H. E. and the several other foreign Representatives with communications upon this subject, this Office instructed the Northern and Southern Superintendents of Trade to consider whether the establishment of a Mint was possible, and report for any consideration. Shortly thereafter, responses were received from those Officers to the effect that they had directed the Intendants of Circuit in the several Provinces, to take the subject into consideration, and report upon the situation.

The response of the Provincial Intendants of Circuit, setting forth in detail the advantages and disadvantages

of

of a system of coinage has now been placed before this Office by the Superintendents of Trade.

Upon this report, I beg leave to remark, that the monetary system of China, and of the several foreign nations is, each, peculiar to itself, and that it would be exceedingly difficult to reduce these various systems to uniformity, as is shown in the very careful report of the Northern and Southern Superintendents of Trade.

If China should decide upon a unit of money, and establish a Mint, according to foreign fashion, as though she were a host exerting herself to consult the convenience of her guests; or, being freed, as a host, to consult the convenience of her guests. (H.) the difficulties attending its general circulation would be very many, amounting, indeed, to insurmountable obstacles. Its establishment is, therefore, not considered practicable. In response to Y. E's inquiry I beg leave to submit this answer.

Cards and compliments.

Ack. March 8.

Ad 76

M Peyson

No. 379.

United States Legation,

Peking, January 5th, 1878.

DEPARTMENT OF STATE
MAR
5
1878
RECEIVED

George F. Seward to

the Secretary of State.

Subject.

Harbor conservation. Rights of Chinese.

Synopsis.

Four English lawyers to whom a question affecting the authority of the Chinese Government to conserve their Rivers and Harbors, was submitted, have given an opinion that China possesses, inherently, the same

sovereign

sovereign rights as European Powers in this respect that the treaties have not abridged those rights, and that a vessel, occupying a berth alleged to endanger the security of the river bank, could be removed without recourse to the English Authorities.

No. 379.

United States Legation.

Peking, January 5th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

A case occurred last year at Ichinkeang which was the occasion of an extended discussion between the Chinese Authorities and the British Legation. As it involved the question of the general authority of the Government to conserve its Rivers and Harbors, to which I have recently called your attention in connection with the case of Mr. Stevens at Amoy, of Mr. Williams at Swatow, and the measures which ought

ought to be taken for the protection of the Harbour at Shanghai, and as the subject is of general interest, I think it well to bring it to your notice.

In the given matter, the Authorities held that a hulk, used as a landing stage, was so placed as to cause the current to strike the bank, and to endanger foreign and native properties situated upon it. They requested the British Consul, whose people were concerned, to order the removal of the hulk, but the latter refused, alleging that the danger stated was imaginary, or at least not attributable to the hulk. Failing in this recourse, the Authorities

refused

refused to allow cargo to be passed into or out of the vessel, in order to force her removal to another berth. This was complained of to the Consul, and by him to the British Minister, who, failing to get the order withdrawn, submitted the question to his Government. The Chinese, on the other hand, sought legal opinion in England. The views of the counsel employed by them have been received, and I have been permitted to read them. The conclusions of the British Government have not, however, been made known.

The lawyers employed by the Chinese were, H. C. Harcourt, Henry James, Farrer Herschell and

A.

A. Young whose names you will be familiar with, especially the two first mentioned. From their opinions, I extract those parts which are pertinent to the general issues, as follows:—

"1st. We are of opinion that the "Chinese Government is "entitled to be recognized as "inherently possessing the same "sovereign rights over its Rivers "and Harbors, as any European "Power, and that such rights "include that of changing the "berth of any hulk or vessel "in its Rivers and Harbors."

"2nd. After careful perusal of the "Treaties entered into between "Great Britain and China, and

the

" the Regulations which have been
" made thereunder, we can find
" nothing therein which interferes
" with or abridges such rights."
" 3rd ". As above stated, we are of
" opinion that such rights are not
" in any way interfered with or
" abridged, and we are further of
" opinion that the Chinese "
" Government can forcibly "
" remove the South "Cadiz" without
" referring the matter to the Consular
" Authorities, or instituting proceedings
" before Her Britannic Majesty's
" Supreme Court. It seems to us
" that the power of removal is
" similar to that which exists in
" this country in the properly "
" constituted Authorities to remove

or

"or abate a nuisance on the
"Queen's highway, or in a tidal
"river, and that no proceeding
"against a British subject or
"anyone else personally, either
"for the purpose of inflicting
"punishment, or recovering a
"compensation, in any way arises
"in relation to the matter before
"us."

I shall inform you, in due course, whether these views are accepted by the British Government.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Ack^d March 8th.

Ans. Jr.

McPayson

No. 380. Two Enclosures.

United States Legation.

Peking, January 10th, 1878.

DEPARTMENT OF STATE
MAR 5 1878
RECEIVED

FOREIGN Relations 78

George F. Seward to the Secretary of State.

Subject.

A treaty concluded between Spain and China. The "Sovana" case.

Synopsis.

Transmits the text of a Treaty in regard to emigration to Cuba, and the treatment of Chinese in that island, and remarks upon its provisions. The "Sovana" case closed.

Copies sent to Peru.

No. 380. Two Enclosures.

United States Legation.

Peking, January 10th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to transmit to you herewith an English translation of a Treaty recently made between this Government and the Spanish Government, in regard to the emigration of Chinese to Cuba, and their treatment there. 2/380.

You will notice, in reading this Treaty that the views presented to the Chinese by my predecessor, Mr. Avery, in regard to

to the evils of contract-emigration have prevailed, that such emigration will not be permitted in the future, and that voluntary emigration is provided for under guarantees which have seemed suitable to the contracting parties. I see nothing in this part of the Convention to criticize, on the contrary, the stipulations agreed upon, if faithfully enforced and observed, cannot but prove mutually beneficial.

The third, the sixth and subsequent articles provide more particularly for the appointment of Chinese Consular Officers in Cuba, and the treatment to be accorded to Chinese subjects resident

resident in that island. The important features of this part of the Treaty are as follows:—

Art. III. "The Government of "Spain agrees to accord to Chinese "subjects, now resident in Cuba, "or who may hereafter proceed "thither, the most favorable "treatment which is accorded to "the subjects of the same class of "other High Powers."

Art. VII. "They may leave the "island, or travel within it, at "pleasure."

Art. VIII. The Courts of the "island shall be open to them, as to the subjects or citizens of other Powers.

Art. IX. They shall be registered at

at the Office of the Consul General at Havana. Lists of those in different parts of the island shall be provided by the Spanish authorities, and facilities given to Consular Officers to inspect their condition.

Art. XI. Chinese officials and students, those incapacitated from work, and widows and orphans shall be returned to China at the expense of Spain.

Art. XII. Those who are entitled by contract to be sent back, shall be entitled to claim the enforcement of their contracts. Those whose contracts have expired, and who are not entitled by them to be sent back, shall

receive

receive the joint attention of the Chinese Consular, and the local officials.

Art. XIII. Chinese may not congregate in any part of the island in such numbers as to endanger the peace.

Art. XIV. Contracts not fulfilled must be carried out. Chinese detained in labor depots shall be released.

While it may be said that there is a degree of ambiguity in the stipulation that the Chinese in Cuba shall be entitled to "the most favorable treatment "accorded to the subjects, of the "same class, of ... other High "Powers", it may be urged on the other

other hand, that a more precise stipulation could not, perhaps, have been safely agreed to by Spain, looking to the fact that the element which is the subject of negotiation, is one which cannot readily conform its conditions to those of the born subjects of Spain, or those of other aliens. I do not need to dwell upon this point in order to illustrate the difficulties which must be encountered in dealing with a large Chinese laboring population in a Western country.

How far the Spanish Authorities will be able to carry out their agreement to repatriate the Chinese of classes named, cannot

cannot be foretold. Peru has not yet sent back any, under similar stipulations, and neither Government will be likely to do so, unless held to their contracts rigidly by the representatives of China.

The settlement of the difficulties between Spain and China, thus arrived at, must be considered fortunate for the relations of other Powers with China. A great deal of information, in regard to the sufferings of the Chinese in Cuba, has been given to this Government, and scattered over the Empire, and the good name of all Western peoples has been more or less compromised in consequence. We have every

reason

reason, therefore, to be satisfied that a settlement has been reached, and need not be sorry to learn that it is one which the Chinese think especially favorable to themselves.

The "Lorcha" case", which has been alluded to from time to time in my despatches, was closed by the Spanish Minister, coincidently with the conclusion of the larger negotiation. The Government paid a reduced sum as indemnity for the pillage of the ship and cargo, amounting, with interest, to about $18,000.

I have the honor to be,

Sir,

Sir,

Your obedient servant.

Geo. F. Seward

Enclosures.

1. Prince Kung to Mr. Seward covering text of Treaty between China and Spain.
November 17th 1877.
2. Mr. Seward in response.
December 3rd, 1877.

Despatch No. 380.

Inclosure 1.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication.

Referring to the subject of Chinese laborers in Cuba, this Government has hitherto been the recipient of the thoughtful assistance of H. E. the Ministers of the several Powers, in efforts towards an adjustment.

This Office has now agreed with H. E. Señor de España, the Minister for Spain upon certain Articles of a Convention, which were duly signed and sealed upon the 17th instant, being thus attested.

This business has called forth repeated expressions of interest from the Ministers of the several Powers, for which this Office begs leave to express its deepest gratitude.

I have the honor to hand to H. E. herewith a copy of the Convention for your consideration, and to request

that

that H. E. will inform your Government of its contents, and request your Government to instruct its Consular Officers in Cuba to assist the Consular Officers which this Government will hereafter send to reside in that island, in case questions affecting Chinese laborers shall arise, to the end that there may be no failure to carry out the provisions of this Convention, as a proof of sincere friendship.

This Yamen desires most sincerely this good office on the part of your Government.

H. E. George F. Seward
&c &c &c &c

Peking, November 17th, 1877

Enclosure
Text of Convention agreed upon between the Foreign Office and H. E. Mr. de Espana.

Enclosure.

Their Majesties, the Emperor of China and the King of Spain, being desirous to establish new Regulations for the emigration of Chinese subjects to the island of Cuba and their residence there, and in order to avoid misunderstandings in the future, have, for this purpose, delegated full powers, viz: the Sage of His Majesty, the Emperor of China, to Shên, Kwei, Tung, Chêng and Hsia, Ministers of the Foreign Office, etc. etc.; and, on the part of His Majesty, the King of Spain, to Señor de Elzaka, Minister to China, etc. etc. etc., who have mutually agreed upon the following Regulations.

I. Since there is, hereafter, to be no emigration under contract to labor, such contracts will not be executed, and the clauses in the Treaty between the Governments of Spain and China, signed at Tientsin, October 10th 1864, which provided for the emigration of

Chinese

Chinese under contract to labor, are invalid and of no effect.

Excepting that the clause in the 10th Article of the said Treaty which declares that Chinese fugitives from justice shall not be harbored, shall be observed as heretofore.

II. The emigration under contract to labor having heretofore, not been entirely satisfactory it is mutually agreed by the two Governments that, these abuses having now been remedied, all claims for indemnity heretofore put forward on either part, are waived.

III. It is mutually agreed by the two High Contracting Powers that, hereafter the emigration of the subjects of either, whether of single individuals, or of such persons with their families, shall be entirely free and voluntary, on the part of such subjects. And the High Contracting Powers, therefore agree not to consent to the employment of fraud or violence,

either

either at the ports of China, or in other places, or the use of fraud of any sort, by which Chinese subjects shall be led to emigrate, without their free will and consent. In case the Captains of vessels, or other subjects of either Power violate this stipulation, the High Contracting Parties pledge themselves to punish such offenders severely, according to the heaviest penalties provided by the laws of their respective Governments for such offences.

The Government of Spain further agrees to accord to Chinese subjects now resident in Cuba, or who may hereafter proceed thither, the most favorable treatment which is accorded in that island, to the subjects of the same class of other High Powers.

IV. The Government of China agrees that, if at any of the ports open to foreign trade there shall be Chinese male or female subjects, desirous of emigrating at their own expense to China, to allow them to do so, and

Cuba?

to

to interpose no obstacles. And it is further agreed to instruct the Customs Intendants, at the several ports open to foreign trade, and the Local Authorities, to see to it that the vessels of any nationality within the limits of their respective ports, and which may desire to receive as passengers, Chinese subjects, according to the terms of this second Treaty, for emigration, are provided with the necessary accommodations and supplies for the use of their emigrant passengers. In case the owners, Charterers, and other parties connected with the said vessels comply with the stipulations of this Convention, the Customs Intendants, and Local Authorities at the several ports, shall interpose no hindrances.

V. The Customs Intendants and Local Authorities of the ports mentioned shall make thorough examination in order to satisfy themselves that the provisions of this Convention are complied

with

with, by and in behalf of Chinese
emigrants.

Chinese subjects desiring to
go abroad must first report their
names and be registered at the
office of the Customs Intendant, and
apply for a sealed passport, the form
of which will be prepared by the
respective Intendants. This passport,
having been sent by the Intendant
to the Spanish Consul for his
countersignature and seal, will then
be delivered, by the Intendant, to the
emigrant, who may then embark
and proceed to his destination.

Upon arrival of the ship in
Cuba, the proper official of the port
shall hand over the original passport,
as signed and sealed by the Customs
Intendant to the Chinese Consul for
examination.

At the several ports open to
foreign trade in China, the Customs
Intendant may appoint a deputy,
and the Spanish Consul will also

deputy

depute an official to personally examine ships carrying emigrants. If Chinese subjects not provided with the passport of the Customs Intendant are found on board, they shall, at once, be put on shore.

Upon arrival in Cuba, Chinese emigrants, unprovided with the Intendants passport, are found on board, the Spanish Authorities of the port, shall, in concert with the Chinese Consul, devise a suitable procedure.

The owners or charterers of vessels shall report in advance the time at which they desire to sail, in order that the deputies may make their inspection, and that no delays or misunderstandings may arise. In case the Captain of any vessel shall fail to comply with this rule, and shall attempt to sail without awaiting the inspection, the Authorities of the port will address the Spanish Consul, who shall withhold the

ships

ships papers, seize the vessel, and deal with her according to Spanish law. Thereafter, and upon compliance with these regulations, she may be allowed to proceed.

VII. The Government of China will at once appoint a Consul General to reside at Havana in the island of Cuba. In addition thereto, China may appoint Consular Officials at all other ports and places where similar officers of any other Power are permitted to reside. Consular Officers appointed by China, shall conduct themselves in accordance with established rules and precedents, and Spain agrees to accord them the same treatment granted to officers of other Powers in Cuba.

Spanish Officials in Cuba will assist, to the extent of their power, the Consul General, Consuls, Vice Consuls, and similar Officers whom the Government of China may appoint, in order that they may accomplish

the

the object of their mission, and secure protection for Chinese subjects in that island.

VIII. It is agreed that Chinese in Cuba may leave the island and proceed to other parts at their own option. But criminals awaiting trial, are not included in this stipulation. Arrangements will be perfected, consistent with the privileges accorded in the third Article of this Convention, by which Chinese residents in the island may travel at will, and engage in business. These arrangements will be made either by the Secretary of State for Spain, acting in conjunction with the Chinese Minister to Spain, or by the local Authorities at Havana in conjunction with the Consul General for China at that port. They shall secure to Chinese subjects the privileges accorded by this Convention, which declares that they shall receive the most favorable treatment accorded

to

to the subjects, of the same class, of other High Powers. But, inasmuch as the arrangements to be made, must conform to local police regulations, including all police regulations hereafter made, it is agreed that the local Spanish Authorities, shall furnish each person with a permit to travel, which shall be in style and form the same as those furnished to subjects or citizens of other Nations.

VIII. Chinese subjects who may have occasion to appear in the Spanish Courts of Justice in Cuba, either to support or defend their rights, shall, whether appearing as plaintiffs or defendants, enjoy the same rights and privileges as are accorded to the subjects or citizens of other Powers. Chinese subjects, having business in the Courts of Justice may employ legal advice and interpreters, in their behalf, either Spanish or foreign, and they shall be permitted, either to employ such assistance personally, or

to

to request the Chinese Consular Authorities to secure it for them. But the persons employed by them must be such as are authorized, by the laws of Spain, to practice in the Courts.

As there are those among the Chinese now resident in Cuba, who, prior to the exchange of the Ratifications of this Convention have made complaint of grievances, it is permitted to them to bring their suit before the Spanish Courts for redress, and these Courts will hear each case, and administer strict justice, in the same manner as is permitted to subjects of other Powers.

IX. The Consul General to be appointed by the Government of China to reside at Havana shall, at once, in conjunction with the local Authorities, establish regulations which shall provide for the suitable registration of all Chinese subjects now in Cuba, or who may hereafter proceed thither. These books of registration shall be

kept

kept in the Office of the Consul General.
Each person shall be furnished by the
Consul with a Certificate of Registration,
which shall be exhibited by him at each
city, town, or plantation to which the
bearer may go, for inspection.

The Local Authorities in
Cuba shall, at once, furnish the
Chinese Consular Officers with a
list of the names of all Chinese
subjects resident in any part of the
island, and shall devise suitable
facilities to enable the Chinese
Consular Authorities to proceed to the
cities, towns, and plantations of the
island, in order that they may
personally examine into the actual
condition of such Chinese as are
held to labor under contracts.

X. Vessels of any Power which
may be desirous of embarking
Chinese emigrants, shall, in addition
to complying with the requirements of this
Convention, obey the Regulations of their
respective Governments, in order to

avoid

avoid lack of suitable accommodation or medical care of the sick on shipboard. Any vessels which may fail to comply with these two classes of Regulations, will not be allowed to embark emigrants.

XI. It is to be feared that among the Chinese now held to contract labor in Cuba are some persons who have been hitherto, either students or officials in China, with their families. The Government of Spain, as an expression of its commiseration, and from sincere friendship and amity, desires to return all persons of these classes from Cuba to China, at its own expense, which will be done after the exchange of the ratifications of this Convention. The Chinese Consul General and Consular Officers will, however, inform themselves as to the particulars in each case, and communicate them to the local Authorities. Thereupon the said Authorities will make a particular

examination

examination, and if the facts in each case are found to be as reported, they will cause the parties concerned to be returned to China.

Chinese subjects now held to contract labor in Cuba who are incapacitated by age from work, and Chinese orphans and widows, who may desire to leave the island and return to China, will be sent home, at its own expense, by the Spanish Government.

XII. Among the Chinese laborers now in Cuba, whose term of contract has expired, in case the original contract contained language binding their employers to return them to China, the Government of Spain will cause the said employers to comply with its terms.

Among the Chinese laborers now in Cuba, are those whose original contract has been completed, but which did not specify that the laborers should be returned to China.

As

As it is to be feared that some persons in this class, have not means wherewith to meet the expenses of a passage home, the Cuban local Authorities will, in concert with the Chinese Consular Officers, devise suitable measures for their return.

Chinese laborers now in Cuba whose term of labor has expired, shall, after the exchange of Ratifications of this Convention, be furnished with a certificate that their terms of labor have been completed, and shall be entitled to all the privileges stipulated in Article VII. They shall be at liberty to continue to reside in the island, or to leave it for other parts.

XIII. In case the local Authorities of the island of Cuba shall at any time find such excessive accumulations of Chinese in any part of the island, as to endanger the peace and good order of the locality, the given Authorities will take

measures

measures to prevent Chinese subjects from proceeding thither, and will inform the Consular Officers that Chinese are not allowed to dwell there, in the same manner as is provided for the subjects of other Powers. In circumstances of this sort the provisions of Article 7th which give Chinese subjects the right to go and come at will, will be inoperative.

XIV. Chinese laborers in Cuba, whose contracts have not been fulfilled, will be required to complete their terms of labor according to the specifications of their engagement. In all other matters, as regarding passports, liberty to go and come at will, Chinese who have recently arrived in Cuba shall be entitled to all the privileges and protection accorded to those whose contracts have been completed. All Chinese laborers now detained in the several labor depots in Cuba, will, upon the exchange of Ratifications of this Convention, be at once released, and the passports and other papers to which they are, by the terms of this Convention, entitled,

will

will be issued to them. Their will, in all cases be accorded the same treatment, as is given to the same class of laborers in their localities. Criminals, whose cases have not been decided, will, however, be held in custody to await trial.

XV. If in future, the Governments of China or Spain desire a modification or the withdrawal of any of the stipulations contained in this Treaty, notice must be given at least one year in advance, of the desire to open negotiations to that effect.

In case China shall, hereafter, grant any concessions or privileges, in the matter of Chinese emigration, not given in this Convention, to any other Powers, such privileges and concessions shall also be enjoyed by the Government of Spain.

XVI. The present Treaty shall be ratified by Their Majesties, the Emperor of China, and the King

of

of Spain, and the Ratifications exchanged at the Capital of China, within a period of eight months from its date, or sooner if possible.

Done at Peking, in duplicate copies, in French, Spanish, and Chinese, each copy being signed and sealed by the High Authorities so delegated, this seventeenth day of November, in the year of Our Lord, one thousand eight hundred and seventy seven, being the thirteenth day of the tenth moon, of the third year of Kwang Hsü.

Despatch No. 380.
Enclosure 2.

Mr. Seward to Prince Kung.

Peking, December 3rd, 1877

Sir:-

I have had the honor to receive Y. I. H. despatch informing me that a Treaty in regard to Chinese emigration to Cuba, and the privileges of Chinese in that island, has been concluded between your Government and the Minister for Spain, Señor de Espana.

I beg leave to tender to Y. I. H. my congratulations on the settlement thus reached of the questions of grave importance involved, and in which, as Y. I. H. is aware, my Government has felt much interest.

I shall at once transmit a copy of Y. I. H's despatch and the Treaty to Washington, and shall call the attention of the Secretary of State to your request for the continued good offices of our representatives in Cuba.

I have, &c

(Signed) George F. Seward

Ack March 8.

Ans 7

McPayne

No. 381.

United States Legation.

Peking, January 11th, 1878.

George F. Seward to

the Secretary of State

Subject

Charges against Mr. de Long.

Synopsis.

Mr. Seward has had a conversation with the Ministers of the Foreign Office, which he will report by the next mail.

No. 381.

United States Legation.

Peking, January 11th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to inform you that I, yesterday, had an interview with the Ministers of the Foreign Office, in regard to the charges against Rev. Mr. Lans.

I have not time to report to You, by this opportunity, the circumstances which led me to seek the interview, or what occurred at it. I may say, however, that our conversation was long, frank, and cordial, and

will

will have served, I think, to give them a more just view of the case than that which they were disposed to entertain.

I shall report it fully by the next mail.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Ack'd March 8.

Ack'd

McPayson

No. 382. One Enclosure.

United States Legation.

Peking, January 11th, 1878.

George F. Seward to

the Secretary of State.

Subject.

The Amoy foreshore question.

Synopsis.

A settlement probable which will conform to the views heretofore expressed by Mr. Seward. Mr. Henderson's unfriendly course apparently continued.

No. 382. One Enclosure.

United States Legation.

Peking, January 11th, 1878.

Honorable W. Wm. Evarts.

Secretary of State.

Sir:-

I have the honor to hand to you a further despatch in regard to the foreshore question at Amoy, which has been placed at my disposal by my English colleague. 1/382

You will see that there is a good prospect of a settlement being reached which will conform to the views I have heretofore expressed of the rights of the English proprietors & concerned

concerned.

Mr. Alabaster's note indicates that Mr. Henderson's unfriendly course has been continued. I have no further advices from him.

I have the honor to be,
Sir,
Your obedient servant,
Geo. F. Seward.

Enclosure.

1. Copy of a despatch from the British Consul at Amoy to his Minister at Peking. December 4th, 1877.

Despatch No. 382.
Inclosure.

British Consulate

Amoy, December 4: 1877

Received

Sir,

I have the honour to report in continuation of my despatches relative to the Bund Question, that there seems now a prospect of obtaining a more satisfactory arrangement in regard to the

Fraser Esq
H. M. Chargé d'Affaires
Peking

the Bund Question.

The Taotai has yesterday morning rejoined to the last letters addressed him in his usual verbose style, but I have since receipt of his letter had a visit from Shêng Taotai, an Officer of the Foreign Board at Foochow who is down here on a special mission, at which, frankly admitting the claims of

the

the Lot-holders to the frontage in question, he has suggested an arrangement which if carried out would seem in every way satisfactory, to wit, that the Chinese should fill in the mud, and that it should be at least in the meantime devoted to the purposes of a public mud, wharf, and promenade, in the same

way

way and on the same
conditions with that already
existing; but that the
Tsungli Yamên should
sanction through the Governor
General a despatch to be
written me by the Taotai
to the effect that the
Lot-holders shall have
the refusal of the lease
should the ground be
hereafter devoted to building
purposes.

I

I have been somewhat surprised at the advance, as my American Colleague, I understand, at a late interview, urged the Taotai on no account to let us have the ground; but my last letter appears to have had the effect of alarming Tuchsang who has very great influence and seeing that the only possible settlement is a reasonable one he is

anxious

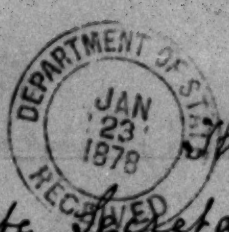
ansions that my demands
should be agreed to as
quickly as possible.

(sd) Chas: Alabaster.

File

W^m Payson

(Jany 16. 1878.)



The Petition of S. Wells Williams. late Secretary and Chinese Interpreter to the Legation of the United States at Peking, to the Senate and House of Representatives in Congress assembled.

Humbly Showeth,

Your Petitioner was appointed by President Pierce in July 1855, and in October 1874 obtained leave of absence for the second time during that period. Owing to duties incident to the Presentation of Minister Avery's letter of credence to the Emperor, I was not able to leave Peking till the opening of navigation in March 1875. At this time the Minister asked me what arrangement had been made to supply my place, as he would be quite unable to carry on his official duties without a competent interpreter and translator in the Chinese language. I informed him that I had engaged the services of W^m Chester Holcombe at the rate of $3000 a year, which I had agreed to pay out of my salary. The statute regulating the absence of diplomatic officers contained no provision for supplying and paying a substitute for an officer in my position when absent, although it mentioned a Minister and a Consul.

In

In this dilemma, and it being impossible to inquire directly of the State Department without losing the season, he agreed with me in the conclusion that the salary would be continued as long as I furnished a substitute, as it had been during a former leave of absence in 1860. This conclusion was further strengthened by a permission given in 1871 by the Department of State, — during the residence of Minister Low at Peking, for my temporary absence at Shanghai, during which time I furnished a substitute. Mr Avery further inferred that, as the annual appropriation for the salary had been made by Congress, the Department of State would have the disposal of it in case the work was done. On reaching Shanghai, the Consul-general gave his decided opinion in favor of this conclusion, though neither did Mr Seward know of any precedent which met the case. No certainty could, therefore, be obtained as to the best course to pursue, and no substitute could be obtained without a certain assurance of being paid.

I reached Washington in Oct. 1875, and found that we had all been mistaken in China — that the Department had no power to continue the salary beyond the Statute limitation of

180 days' leave; and further, that I was under no obligation to supply a substitute. I addressed a letter to Secretary Fish (Oct. 14. 1876) asking for some relief, and explaining that it would have been impossible for me to have left Peking at all if the Minister must remain in the interim without an interpreter. "It is practically impossible for him to carry on his duties in that case. He daily requires the aid of an interpreter and translator in his intercourse with the Chinese officials; and the present law detains this assistant there for an unlimited period, unless he is willing to lose a large part of his salary, or leave the Legation so crippled as to be inefficient."

His reply intimated that the Statute allowed no liberty of deviation from the usage; and I had arranged to return to China as soon as I received it, but an accident detained me so that I could not reach it till May 1876, and I resumed my post the last of that month. I was absent 14 months, and paid Mr Holcombe in all $3500. The time which was not covered by my salary was 6 2/5 months, for which I paid him $1600, as per his receipt in my hands.

In Oct. 1876, having resigned the position in the Legation, which I had held 21 years, I made out my accounts for salary the 15th of that month,

and

and drew for the balance due from the day I left China up to the end of the 180 days' statutory leave of absence (Oct 23d. 1875), and then from 5th. May 1876 when I returned, to Oct 15th. It was also in the belief that, as the work had been done and paid for, the item of the amount paid by me to Mr Holcombe should be inserted in the accounts, but it was disallowed, and they are not yet closed.

The death of Mr Avery in Nov 1875. prevented me from obtaining a statement from him more fully explaining the circumstances in which he was placed; but in view of them as here stated, and the fact that no directions could be found applicable to this peculiar case, I humbly request that my payments to my substitute to the extent of $1600. may be paid to me, and relief thereby afforded

And your Petitioner will ever pray

Washington Jan 16. 1878. S. Wells Williams

Copy

$1600 Mex.

Received of S Wells Williams, Sec. & Chin. Int. of the U.S. Legation to China, 1600 Mexican dollars in full for the allowance paid me by him for my services as his substitute in the Legation during his absence from Oct. 23. 1875 to May 5th. 1876, being at the rate of $250 per month

Chester Holcombe

Seal of U.S. Legation

Answered May 22.

W Payson
+
Wood

No. 383. Three Enclosures.

United States Legation,
Peking, January 16th, 1878.

George F. Seward to
the Secretary of State.

Subject.

Interpreter at Foochow.

Synopsis.

Transmits certain correspondence had with Hon. Hle Lang, and nominates Hon. F. H. Cheshire for the post. He should be allowed the full salary of $2000. per annum.

No. 383. Three Enclosures.

United States Legation,

Peking, January 16th, 1878.

Honorable William M. Evarts,

Secretary of State.

Sir:—

Upon Mr. Holcombe's return to Peking from Tientsin last fall, I gave to Mr. F. D. Cheshire, a young American, who had been studying Chinese for some time, a letter to Mr. De Long, commending him as a fit person to be nominated for the post of Interpreter, vice Li Hung Lan, suspended for gross abuse of his position. I could have nominated Mr. Cheshire to you directly, but I preferred to avoid

1/383.

avoid the appearance of any unnecessary interference with Mr. McLaus. I was acting, moreover, in the line of what had seemed to be his wishes.

Mr. Cheshire has been acting as Interpreter since his arrival at Tochow, but Mr. McLaus, who writes unofficially that he hopes Mr. Cheshire will receive the full appointment, appears to have some scruples about nominating him, before learning that the suspension of Li Hung-lan is confirmed.

As I do not doubt that your decision in the case of the latter will be adverse to him, as I know personally that

Mr.

Mr. Cheshire is well qualified for the post, as Mr. de Lano has himself indicated this opinion, and as there is no other applicant for the place, I think that I need not hesitate to advise that Mr. Cheshire be appointed.

The full salary of $2000. a year should be allowed to him from the time when he assumed duty. You will, doubtless, be advised of the date by Mr. de Lano. At such rate of pay his compensation is still so much less than a person of his general qualifications might be expected to command, that I fear we cannot hope to retain

retain his services for any considerable period.

2/383. I enclose copy of a despatch which I have received from Mr. de Lano in regard to the

3/383. matter, and also one which I am addressing to him.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Enclosures.

1 Mr. Seward (unofficial) to Mr. de Lano October 5th, 1877.

2. Mr. de Lano to Mr. Seward No. 93. October 25th, 1878. (Received Jan. 8th 18)

3. Mr. Seward in response No. 51. January 16th, 1878.

Despatch No. 383.
Enclosure 1.

Unofficial.

Legation of the United States.
Peking, October 5th, 1877

W. W. McLane, Esquire
&c. &c. &c

My dear Sir:

The bearer of this is Mr. F. D. Cheshire, one of our countrymen who has studied the Chinese language, and is qualified in this and all respects to take the position of Interpreter to a Consulate. Mrs Holcombe has informed me that you will be glad to nominate him for the place vacated by the suspension of the Interpreter at your port.

It will be well for you in nominating him, through the Consulate General to the Department of State, for the full appointment, to request me officially to approve of your provisional appointment of him to perform the duties of the place until his Commission arrives. You should, at the same time, ask the Consul General and

myself

retain his services for any considerable period.

2/383. I enclose copy of a despatch which I have received from Mr. Hle Lano in regard to the

3/383. matter, and also one which I am addressing to him.

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Legation of the United States.
Peking, October 5th, 1877

W. W. McLane, Esquire
&c. &c. &c

My dear Sir:

The bearer of this is Mr. F. D. Cheshire, one of our countrymen who has studied the Chinese language, and is qualified in this and all respects to take the position of Interpreter to a Consulate. Mr. Holcombe has informed me that you will be glad to nominate him for the place vacated by the suspension of the Interpreter at your port.

It will be well for you in nominating him, through the Consulate General to the Department of State, for the full appointment, to request me officially to approve of your provisional appointment of him to perform the duties of the place until his Commission arrives. You should, at the same time, ask the Consul General and

myself

myself to endorse your statement that the full salary of five thousand dollars should be allowed Lohiw.

Yours respectfully

(Signed) George F. Seward

Despatch No. 383.

Enclosure 2.

Copy
No. 93.

United States Consulate
Foochow October 25th 1877

Honorable George F. Seward
United States Minister
Peking.

Sir:-

In response to your communication of date 3th October current, handed to me by Mr. F. D. Cheshire, in which you stated that you were informed by Mr. Holcombe, that I would be glad to nominate Mr. Cheshire for the post of Interpreter at this Port, I have to say that Mr. Holcombe must have misunderstood me in the matter because, when he was here, he stated that you would doubtless send Mr. Cheshire down to supply the vacancy occasioned by the suspension of Mr. Lay, and I was under the impression that, inasmuch, as you had taken upon yourself the responsibility of suspending Mr. Lay, you would be willing to nominate a man to fill

the

the vacant position.

Mr. Cheshire was, I believe, well known by you, but he was a stranger to me, and I could scarcely have been expected to nominate for so important a post, a man of whose character and ability I knew nothing. I may have stated to Mr. Holcombe that I should greatly prefer to have an American in the position, than any other national, but I am sure I did not go further than that.

On Mr. Cheshire's arrival here, I was much in need of the services of an Interpreter, and, not having given much thought to the subject of Mr. Lee's suspension, or to what might be the possible consequences of employing a substitute, I allowed him to enter, temporarily, upon the duties of the office, thinking that if he proved to be competent and efficient, I might, as you had

advised

advised, recommend his appointment.

A little later on, I received notice from Mr. Lee, that he had not recognized your right to suspend him from office, that he was and had been prepared to perform the duties of his office, and that he would expect to receive compensation until he received notice from Washington, that your action was approved — or notice of his removal from the office to which he had been appointed.

Although he has been ready and anxious to discharge his duties, I have not felt that I would be justified in accepting his services, because I was instructed by Mr. Holcombe, who was here as your representative, not to allow him to continue in the discharge of his functions. Acting upon your advice, it is my purpose to allow Mr. Cheshire to act as Interpreter, pending instructions from the

Department

Department, but I cannot undertake the responsibility of paying him any salary except upon special instructions from you.

Awaiting your further instructions in the premises,

I have the honor to be,

Sir

Your obedient servant.

(Signed) M. M. McLane

U. S. Consul

Despatch No. 383.
Enclosure 3.

Mr. Seward to Mr. de Lano
No. 51. January 16th, 1878

Sir:-

Your despatch, number 93. of October 25th has just reached me. This great delay in the receipt will explain to you the apparent delay on my part in answering.

I did not nominate Mr. Cheshire to be Interpreter in your Consulate, vice Li Keung Lan suspended for gross abuse of his position, because it seems appropriate, as a rule, that a Consul should be allowed a voice in the choice of the persons subordinate to him. I had no doubt of Mr. Cheshire's character and qualifications, and am pleased to know, from information otherwise received, that you think well of him.

It is not competent for me to direct or authorize you to pay Mr. Cheshire's salary since he entered upon the duties of Acting Interpreter.

I

I have no doubt, however, that the Government will pay his draft for the amount, or yours, if you pay him.

In order that there may be no further delay I shall, at once, nominate Mr. Cheshire for the post of Interpreter at your port, at the full salary of $2000. a year. You will do well, I think, to write also, giving your view of the amount of salary which should be paid, and asking the Consul General to endorse your representation.

I am &c

(Signed) George F. Seward

Ans. April 6.

Dec 76

W. Payson

No. 384. Four Enclosures.

United States Legation

Peking, January 22nd, 1878.

George F. Seward to

the Secretary of State.

Subject.

The "William Phillips" case.

Synopsis.

Launches further correspondence with the Foreign Office. The Chinese, having failed to understand that Mr. Seward could not order the vessel to return to Newchwang, Mr. Seward addressed a letter to them stating the fact, and more lately they complain that he

he has not ordered her return.
He has answered their note, and, if
there shall be occasion will endeavor
to explain the case more perfectly
at a personal interview.

No. 384. Four Enclosures.

United States Legation.

Peking, January 22nd, 1878.

Honorable William M. Evarts,

Secretary of State.

Sir:-

I have reported to you, in my despatches numbered 295. 305. 316. 313 & 326, the particulars of a case in which the master of a junk, known as the "Hsing Hung Sheng", pursued, in the Consular Court at Newchwang, the American schooner "William Phillips," by which vessel his own was run down and sunk while at anchor, at the entrance of the river upon which Newchwang is situated.

After Mr. Holcombe reported

to

to me his conversation with the
Ministers of the Foreign Office, as
detailed to you in my number
1384 the Prince addressed a letter to
me which indicated a
misconception of the message
which I had sent to the
Foreign Office through Mr. Holcombe.
Reference to my instructions to
Mr. Holcombe, and his report of
his interview with the Ministers
will show that the utmost care
was taken by both of us. It is
difficult to understand how it
was possible for any misconception
to occur. The moment, however,
when it became apparent, I
wrote to the Prince to put the
matter right.

This

This correspondence should have been sent to you at the time, but, in the midst of many calls upon my attention, it was overlooked.

Nothing more was heard of the business until last week, when another letter came from the Foreign Office, which I send herewith. To this I am responding as shown in the next enclosure. 3/384 4/384.

I should have endeavored, in this last mentioned letter, to explain thoroughly why it is that we cannot order the ship to proceed to Kew Chwang, if it seemed possible to make the Foreign Office understand

understand the case. As they are not likely to do this upon a technical statement of the considerations involved, I have taken pains, instead, to show, with some carefulness, that we have been very anxious to do justice, and that our efforts to this end were entirely spontaneous.

I shall leave the business in this way until it is brought up again, or, for some other reason, it may appear opportune to deal with it, at a personal interview.

I respectfully ask your approval of my action.

I have the honor to be,

Sir,

Your

Your obedient servant.

Geo. F. Seward

Enclosures.

1. Prince Kung to Mr. Seward.
August 8th, 1877
2. Mr. Seward in response,
August 15th 1877
3. Prince Kung to Mr. Seward,
No. 2/1878 January 7th, 1878
4. Mr. Seward in response
No. 4/1878, January 19th, 1878.

Despatch No. 384.
Enclosure 1.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication in reply.

Upon the 2nd instant, I had the honor to receive a letter from Y.E. in reference to the case of the "William Phillips" which collided with and damaged the junk "Hsing Hsing Sheng" at Newchwang, in which you stated that the appeal in the case would be before the U.S. Circuit Court at San Francisco, and as, in such a procedure many difficulties would arise, you had been anxious to aid in bringing the case to a settlement here; that subsequent to your departure from Peking, you had advised the Newchwang Consul to grant a new trial; that because of considerable delays the "William Phillips" had again left port, before your letter reached the Consul; and Y.E. requested that the complainant be advised to pursue

the

the vessel to Canton, etc.

In response I beg to state that H. E. has shown much thoughtfulness in your efforts to bring this case to an immediate settlement. As the vessel in question has already left Newchwang, you suggest that the complainant be directed to pursue her to Canton. But his circumstances are such as to make it extremely difficult for him to do so, as was stated in my despatch of the 3rd instant.

Upon that date, Mr. Secretary Holcombe, having been instructed by H. E. to that effect, came to this Office to speak of the case, and after a lengthy discussion, he agreed to request H. E. to instruct, on the one part, the Canton Consul to direct the return of the ship to Newchwang, and, on the other, the Consul at the latter port to grant a new trial upon her arrival; and further, that this Office should instruct the Viceroy at Canton

and

and the Northern Superintendent of Trade, to communicate with the two Consuls, and instruct the Intendants of Circuit at the two ports accordingly. I presume that Mr. Holcombe, upon his return to Chefoo, reported all this to Y. E. for your action.

H. E. George F. Seward,

&c &c &c &c.

Peking, August 8th, 1877.

Despatch No. 384.
Inclosure 2.

Mr. Seward to Prince Kung.

Chefoo, August 15th, 1877

Sir:

I have received the despatch in regard to the "William Phillips" case which you addressed to me upon the 8th instant.

Mr. Holcombe, the Secretary of this Legation, was directed to explain to you very carefully my anxiety that the matter in question should be prosecuted in such manner, as to give the best possible assurance of a right adjudication of the case, and that, after the most careful study I could see no way to reach this result, excepting by the complainants following the ship to Canton. I have absolutely no power to order the return of the vessel to Newchwang.

In reporting to me, Mr. Holcombe stated that he had done what he could to make the case clear to the Ministers of the Yamen, and that they

they were disposed to think that the ship would return to Newchwang, and that the complainant would do well to wait there.

I must, however, say to you that I am not at all confident that the ship will return to that port, and I again advise that this be pointed out to him.

In case the complainant should be successful in his suit at Canton, or wherever else he might find the vessel, he would recover his expenses in pursuing her, or so much of them as might be equitable.

It is said that the owners of the lost junk own many others. If such be the case, why should the complainant plead poverty as a reason why he should not pursue the foreign ship.

I have &c

(Signed) George F. Seward

Despatch No: 384.
Enclosure 3.

2/1878.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication in reply.

In the matter of the sinking of the Hsing Heng Sheng junk at Newchwang by the "William Phillips;" in August last, Her Secretary Wolcombe agreed to request Y. E. to direct the Consul at Canton on the one hand, to insist upon the return of the vessel to Newchwang, and upon the other hand, to direct the Vice Consul at the latter port to seize the vessel upon her arrival, etc. Two despatches were at that time addressed to Y. E. by this Office, which also instructed the Viceroy of Kwang tung, and the Northern Superintendent of Foreign Trade to notify the Consular Authorities and the Customs Intendants concerned, of the plan proposed.

Upon the 19th December, I received a despatch from the Viceroy of the two Kwang provinces, reporting that, upon receipt of the instructions mentioned above

above, he had addressed Mr. Consul Lincoln at Canton, requesting him to order the immediate return of the "William Phillips" to Newchwang to await a trial, and that he had received a reply from Mr. Lincoln to the effect that, prior to the receipt of his despatch, the vessel named had sailed from Canton, and that, in case of her return to port, he would take such action as seemed right and proper. Thus the Viceroy reports to me.

In comment upon this case, I beg leave to observe that, after the sinking of the "Hsing Heng Sheng" junk by the schooner, resulting in a total loss of the owner's property, a fact deeply to be deplored, the Vice Consul at Newchwang, Mr. Bandinel, without awaiting joint trial, of his own motion allowed the schooner to leave port, a course which cannot be regarded as just. If now, in this second instance, Consul Lincoln had rigorously insisted that the vessel should

return

return to Newchwang to await a trial, it would not have been difficult to bring the truth to light. But he asserted that, before the receipt of the Viceroy's despatch, the vessel had sailed from the port. Whether these were the actual facts or not, cannot certainly be known. But the master of the Junk in question has now been waiting with his evidence and witnesses at Newchwang more than a year. The victim of the collision has thus been detained for a long period, while the author of the collision is at liberty to prosecute his business, a state of affairs not consistent with the circumstances, and hard to be reconciled with justice.

I feel bound, therefore, to address H. E. requesting that you will order an investigation to be made, in order to discover at what port the vessel in question is now trading, and that you will instruct Her Consul

Lincoln

Lincoln that, upon the return of the "William Phillips" to Canton, he is to insist that she return at once to Newchwang to await trial; and that you also instruct Mr. Vice Consul Bandinel, that, upon the arrival of the vessel at his port, he is, in conjunction with the Customs Intendant, to try the case in a spirit of justice, and is to allow of as delay as the business is of importance.

H. E. George F. Seward,
&c. &c. &c. &c.

Peking, January 7th, 1878.

Despatch No. 384.
Enclosure 4

4/1878.

Mr. Seward to Prince Kung.

Peking, January 19th, 1878

Sir:—

I have had the honor to receive Y. I. H's despatch of the 7th instant, in regard to the "William Phillips" case.

In review of this matter, I beg leave to state:—

That the collision between the vessel named and the junk "Hsing Hung Shung," occurred in the latter part of the year 1876.

That the case was tried by Mr. Consul Bandinel, in conformity with American law, as he understood it, and a decision given.

That no appeal from his decision was taken, and no representation was made to this Legation, that it was unsatisfactory.

That hearing, unofficially, that dissatisfaction existed at Newchwang, and

and that the "William Phillips" had returned there, I wrote to the Consul advising him to grant a new trial.

That at this time I was at Chefoo and, having no way to send my letter to Newchwang I requested the U. S. S. "Monocacy" to come from Tientsin in order to carry it thither.

That the "Monocacy" while en route to Chefoo, broke her rudder, and could not safely proceed on her voyage.

That the letter was sent by another opportunity but arrived at Newchwang after the "William Phillips" had sailed.

That upon learning this, I advised the Taotai at Newchwang through Mr. Bandinel, and the Viceroy at Tientsin and the Foreign Office through Mr. Holcombe; that the complainant could procure the ship in any other port, that her return to Newchwang was doubtful, that I had no power to order her to return; and

that

that, if the complainant should not pursue the ship, he would lose his only opportunity to secure a reexamination of the matter.

While regretting that this matter remains unsettled, the facts indicate that I have been anxious to promote the ends of justice, and that spontaneously and without information of a formal kind, I did all that was possible for me to do.

I will now direct the Attorney General whatever he may be able to learn of the movements of the vessel, and will communicate any information which I may procure. I fear however, that the ship has left China, and may not return.

I have, etc.,

(Signed) George F. Seward

Ack April 6.

Desk

McPherson

No. 385.

United States Legation.

Peking, January 23rd, 1878.

George F. Seward to

the Secretary of State.

Subject.

New Years call by Chinese Officials.

Synopsis.

The Prince, Members of the Foreign Office, and other High Officers of the Chinese Government have made the usual congratulatory visit.

No. 385.

United States Legation,

Peking, January 23rd, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to report that Prince Kung and his Associates in the Foreign Office, together with a considerable number of other high Officials, called at this and other Legations, on the 12th instant, to make the usual New Year's congratulations. They came in companies of six and eight, and remained engaged in friendly conversation for about an half hour.

This

This practice of a formal interchange of courtesies at the New Year seems now to be firmly established, but nothing has been done yet towards a more frequent and unconstrained social intercourse.

I have the honor to be,
Sir,
Your obedient servant.
Geo. T. Rhodes

File

Mr Connor

No. 386. Eight Enclosures.

United States Legation.

Peking January 23rd, 1878.

George F. Seward to

the Secretary of State.

Subject.

Charges against Mr. Le Sano.

Synopsis.

After the despatch of Mr. Holcombe's report to the Department, in October, Mr Seward informed the Foreign Office that he was prepared to submit the evidence to the Ministers. They responded after some delay, sending in a further report from Foochow. Mr. Seward

repeated

repeated his offer to submit the evidence, and the Foreign Office, after a still further delay wrote asking what settlement would be made. Mr. Seward then visited the Foreign Office and presented his views to the Ministers, stating, in conclusion, that the whole business had been referred to the Department, and asking that the business be left open until instructions should be received. The Ministers assented. Details in full of the reasons for the course taken by Mr. Seward.

No. 386. Eight Enclosures.

United States Legation.

Peking, January 23rd, 1878.

Honorable William M. Evarts,

Secretary of State.

Sir:—

On the 29th of October last, I addressed to you my despatch, number 346., in regard to the charges against Mr. Le Sano, pointing out the fact that many of the statements advanced against him were false, and had been procured by torture, and that, although this must have been patent to the high Provincial Officers who sat with Mr. Holcombe in the re-examination of witnesses, they had not hesitated

to

to quote the false statements so
procured, in a letter addressed to
him, as if they were entitled to
credence. I, at the same time,
expressed doubt whether the
provincial officials would send
us an accurate record of the
examination.

Having in mind this
doubt, and being anxious to
forestall a further formal complaint
against Mr. De Lano, so as to leave
you free to deal with his case
entirely upon its merits, I
addressed a note to Prince Kung
upon the 3rd of November, advising
him that Mr. Holcombe's report
had been completed, and saying
that I would send him to the

1/386

Foreign

Foreign Office, on any day which might be named, to exhibit the evidence which he had procured at Soochow.

You will remember that the instructions which I gave to Mr. Holcombe, prior to his departure to Soochow, enjoined upon him the need of making a careful record of the evidence taken before him, and of its being certified to as accurate by the officer who should be deputed to act with him. He had very carefully regarded this advice, and, as a consequence, the Foreign Office could raise no question as to the accuracy of the minutes of evidence in our hands.

I

It was my intention to direct Mr. Holcombe, in case the interview asked for should be accorded, to learn, if possible, whether the Provincial Officers had sent up a correct statement of the evidence and then to intimate to the Gamen that, while we do not, by any means, defend the whole course of Mr. Le Lang, we cannot possibly allow false testimony to be foisted upon us, or refrain from making mention of our condemnation of the use of torture to procure such testimony.

The Prince responded to my note, under date of November 19th, saying simply that he had

received

2/386

received a report from Foochow, and was on the point of sending it to me when my letter was " received, and asking me to await a further communication from him.

On the 21st of November, his second note came. It 3/386. covered "a despatch, from the 1/386 "High Provincial Authorities, upon "the report made to them" by the officers who sat with Mr. " Holcombe.

You will see, upon perusal of these papers, that it becomes more doubtful whether the " Foreign Office was in possession of the actual evidence. It is nowhere stated, either in the Prince's letter

to

to me, or in that from the Provincial Officers, that the evidence taken was sent up, although, certainly, there is no proof to the contrary.

The Prince's letter asked for information in regard to the settlement of the case proposed by us.

I was not in a position to say what view would be taken of the matter by yourself, and did not care, of course, to foreshadow your judgement. Moreover, the Prince's despatch and the Foochow letter made it the more desirable to carry out the programme which I had before laid down. I contented myself, therefore, by responding

responding that "it appeared
"desirable, as a preliminary step, to
"compare carefully the evidence
"sent up by the Provincial Officer,
"with that procured by Mr. Holcombe,"
and asked, again, that a day be
named for this purpose. 5/386.

This note was sent to the
Foreign Office upon the 3rd of
December. It was not answered,
but another note was received
on the 3rd of January. This 6/386.
contained no allusion to my request
to be allowed to compare the evidence,
but rehearsed briefly the charges
against Mr. de Lano (omitting the
statement that he had received
a bribe) and asked, as the previous
note had done, information of the
disposition

disposition of the case proposed by us.

It would have been possible for me to send a formal answer to this letter, entering with more or less particularity upon the actual facts developed by Mr. Holcombe's investigation. I, at first, proposed to take this course, but I concluded, upon reflection, that it would, inevitably, lead to a controversy. I determined, therefore, to respond simply that I would call at the Foreign Office the next day, to speak of the business.

7/381

Without awaiting an answer, I presented myself at the Foreign Office, on the 10th instant. I found there the Minister

Ministers, Shen, Lung, Ching and Hsia, and a Secretary.

I opened the interview by saying that I had brought with me the minutes of evidence taken by Mr. Holcombe, that the statement of each of the witnesses, who had been examined by him and the deputed Chinese Officials, bore his seal and theirs, by way of verification, that all witnesses had been examined who were called for by him, or by the deputed officers, and that, as a consequence, the record must be considered complete and unimpeachable.

The Ministers took up the record thus made, and examined in turn each statement and the appended

suspended seals, and expressed themselves satisfied that the record was a good one.

I then passed on to say that we do not consider our officer blameless, and that, in particular, we think he should have recognized the fact that Porter's employment was of a dangerous sort, although not necessarily illegal, that he should have scrutinized the contract, and that he should not have given his cards to Porter. Speaking of Li Hung Lan's matter, I said that, while Rev. Mr. Lane does not speak Chinese, and was greatly in the hands of his Interpreter, he was responsible for his Office, and must be held censurable

for

for the wrong doings of that officer, that Li Hung Lan had been suspended, and that we could go no farther with him, as, although of Chinese parentage, he is a British subject.

After having traversed these points carefully, and answered such questions as were put to me by the Ministers, I took up the other points urged against Mr. Le Lano, in the Prince's last note, which are, essentially, as follows:—

1st. That Mr. Le Lano had sanctioned and abetted the levy of illegal, forced taxes.

2nd. That he had granted the use of the United States flag for the above purpose.

3rd.

3rd. That he had failed to hold Porter (connecting the latter with the case of manslaughter, which, as was alleged, resulted from the attempt to levy forced taxes) for trial, etc.

In dealing with the first point, I raised the direct issue whether any forced levies were made or proposed by the guild, and, in this connection, read, and had the Ministers read, the evidence of Mrs Lz ping, Li Yin Mei, Chen Lien Li, Kwang Chü Pen, Woo Ah Ching, Kan Sui Chun, and Lai Chia Ho. These witnesses, when examined by Chen, the President of the Trade Committee, were reported as stating that certain levies, amounting to more than $2000. had been collected, and had

detailed

detailed the dates, places of levy and amounts received, with perfect unanimity, but when reexamined, had all declared, with equal unanimity, that no collections whatever had been made. I held that this later evidence must be accepted, because it was taken as the final evidence to be submitted, and because, if untrue, the fact could have been proven, by many witnesses. Such being the case, I urged that there was not a particle of evidence to implicate our officer in the collection of contributions, voluntary or involuntary, or in the knowledge even, that collections of any sort were to be made.

Having dealt with this part of

of the case, in this manner, I passed on to state that the allegation that Mr. Le Lacu had granted to Porter, or the guild which employed him, the use of our flag, was equally unfounded. It was based, ostensibly, on a declaration of the witness Li Yinmei, that Porter had said that the Consul would furnish a flag. He, and other witnesses, had spoken of what occurred at interviews between the guild and Mr. Le Lacu, and a person named Lu Po Liang, who had acted as Interpreter between the guild and Porter, had given evidence, but no one besides Li Yinmei had connected Mr. Le Lacu's name, in any way, with

the

the use of the American, or any other flag. I then exhibited the flag actually used, and explained that it was Porter's pilot flag, and that its resemblance to the American ensign was not such as would be likely to deceive any one.

In dealing with the third point, I showed, by the evidence of witnesses already named, that Porter was not on shore at the place where the case of manslaughter occurred; that the killing was done by thieves, who had first stolen nets, and then offered resistance to an attempt to recover them, which attempt was made with the countenance and support

of

of a local official, and then recalled to them the fact that Mr. Le Lane had held an examination of Porter, to which he had invited the attendance of the appropriate officials, and that Mr. Holcombe had reported to the Authorities at Foochow the presence of Porter, and stated that any charges against him could still be brought forward. In this connection, I mentioned that the Authorities had not proceeded against another person who was in the same category as Porter, Li Kwan Pias, the captain and owner of the vessel employed by the guild for cruising purposes.

During the course of the interview, the Ministers advanced

but

but little in opposition to my argument. In fact, it was entirely evident that they had not studied the case, and knew but little about it. How true this is may be judged when I say that although the Prince's letter made no mention of the bribe said to have been received by Mr. Le Lacu, the Ministers did not appear to know that the allegation had been left out of his letter, and brought the matter forward again, as if it had not been receded from. I said to them that it was really impossible to believe that our officer could have accepted the bribe as alleged, that the facts detailed by the Chinese witnesses showed

showed, conclusively, that he had not done so, and I could not be expected to treat the matter as if it deserved a moments credence. Mr. Holcombe then ran over, in a rapid way, the conflicting statements which had been made, and the recital seemed sufficient to indicate to the Ministers, that the attempt to fasten this charge on Mr. de Lano had palpably and ludicrously failed.

At this point, I thought it well to produce before the Ministers, Mrs Le Ring's petition, declaring that he had been more than ten times tortured by Cheny the President of the Trade Committee, in order to force from him evidence

evidence that forced collections had been made, etc, and went through the evidence, generally, to indicate that torture had been used, and that the remarkable discrepancies between the earlier and later statements of the witnesses, first examined by them and afterward by Gen. Holcombe, could not be accounted for in any other way. I said that it was not my purpose to ask for the prosecution of the offender, but that I must insist that the evidence, sent up by him, should be considered always in the light of the fact indicated, and entirely discarded, saving when supported by

by evidence otherwise received.

In speaking of the use of torture by the President of the Trade Committee, I endeavored to so place the facts before the Ministers as to indicate that we considered such procedure unsatisfactory in the extreme. The diliberate procuration of false testimony for the purpose of blackening the character of an opponent is an offense, indeed, so abhorrent to all right instincts, that it becomes very doubtful whether, from a moral point of view, we have the right to pass it by lightly, or whether we can be held to manage our relations with

China +

China in an elevated way, when we do so. The moment, however, did not seem opportune to go further.

In concluding my interview with the Ministers, I said that I had dealt frankly with them, that I had transmitted the case to yourself, and that I must now ask them to await your conclusions. You might take a severe view of the matter, or you might not, but I was sure that they must feel that we act from high principle in all cases, and that we are perfectly disposed to give respectful attention to their opinions and declarations. They responded, after some discussion, that while they were anxious to have

the

the matter disposed of, they would, as requested, await your conclusions.

In reviewing my course, as thus detailed, I may be allowed to express the opinion that it will meet your approval. It has tended to narrow the issues with the Government to their right limits, but it cannot, in any way, embarrass you.

Yet I think that our whole duty has not yet been discharged. We have admitted Mr. De Lano's failures, but the Chinese have not admitted the graver wrong doing of their officer, the President of the Trade Committee. Have we not the right, ought we not, as a matter of justice and of public

policy

policy to insist upon having their admission, before going farther. The Provincial Officers were willing to settle Mr. de Lano's case, that is to say, they declared that they would be satisfied, if Mr. de Lano should be transferred to another post. They did not care much for any point of principle involved, provided they could save appearances. They will look upon Mr. de Lano's removal as a success, the success of what they must know is, in great part, a conspiracy. The general Government have taken their position in view of the reports sent up, and without, as all the facts show, any study of the

case

case whatever.

I should advise, under these circumstances, that you give me authority, as a first step, to repeat to the Foreign Office, in your name, the admissions and statements which I have already advanced, and to ask from them the formal withdrawal of all charges which are not sustained.

I am quite aware that you may be disposed to take a different course. Indeed, it is not unlikely that your conclusions may have been already taken and acted upon. But we are here dealing with Asiatics, and with the means

Asiatics

Asiatics often take to accomplish their purposes, and I ought to say, frankly, that a course which will seem to be a surrender of an officer to the results of a conspiracy, will go a long way toward breaking down the independent and courageous spirit, which ought to animate our establishment in this country. Mr. de Lano urged the removal of the Trade Committee, as a medium of communication between the Consuls and the proper officials. Thereupon the President of the Trade Committee declared war, and followed up his course in the most unscrupulous way.

Unfortunately

Unfortunately, he has been able to point out failures of our officer, but he has not been able to assail, successfully, his integrity. If we remove him, we discourage just such work for the future, and, as I have said, we break down the courage of our officers, and their ability to stand up for the interests confided to them.

In case the course which I advise be taken, we need not now anticipate the result. If the Chinese withdraw all unfounded charges against Mr. McLane, I can report the fact, and you can decide upon the next step. If they stand by them

them, I can report that, and their arguments for your further consideration. I am inclined to think that they will not approach the business again so carelessly, or so urgently, as they have done in the past, and that we may, without hesitation, take our own time in dealing with it, and in this, and other ways indicate our views regarding the whole case.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Enclosures.

Enclosures.

1. Hon. Seward to Prince Kung. November 3rd, 1877.
2. Prince Kung in response November 19th, 1877.
3. Prince Kung to Hon. Seward November 21st, 1877.
4. Copy of a report from the Foochow Authorities.
5. Hon. Seward in response December 3rd, 1877
6. Prince Kung to Hon. Seward January 3rd, 1878.
7. Hon. Seward to Prince Kung. January 9th, 1878
8. Hon. Seward to Prince Kung January 16th, 1878.

Despatch No. 386.
Enclosure 1.

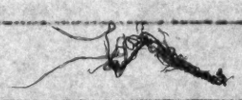
Mr. Seward to Prince Kung.

Peking, November 3rd, 1877.

I beg leave to inform Y.I.H. that Mr. Holcombe has concluded his report upon the complaints advanced by the Yuksien officials against Mr. Le Lang and that I have directed him to take the evidence procured by him to the Foreign Office and exhibit it to the Ministers at such moment as may be convenient to them.

I have, &c.

(Signed) George F. Seward



Despatch No. 386.
Inclosure 2.

Prince King to Mr. Seward.

Peking, November 19th, 1877.

I have received your note informing me that Mr. Holcombe has concluded his report upon the complaints advanced against Mr. de Lano by the Fukien Officials, and that you have directed him to take the evidence to the Foreign Office for inspection, etc.

I am now in receipt of a report from the High Authorities of Fukien in this case, and was on the point of sending a copy of it to Y. E. when your note under reply arrived.

I beg therefore that Y. E. will wait until I have furnished you with the report in question for your consideration, and thereafter a day for Mr. Holcombe's visit will be named.

Cards & Compliments.

Despatch No. 386.
Enclosure 3.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication.

Referring to the conspiracy between Hsu Li Ping and Potter at Foochow to levy illegal taxes on fishermen, and the case of manslaughter resulting therefrom, I had the honor in July last to forward to Y. E. copies of all the papers in the case, and received Y. E's response, to the effect that the matter required investigation, and that you proposed to send Mr. Holcombe to Foochow for that purpose. You requested me to instruct the Fukien Viceroy to appoint an officer of suitable rank to assist Mr. Holcombe in his investigation. I, at once, accordingly instructed the Viceroy and Governor to await Mr. Holcombe's arrival at the Provincial Capital, and then to act with him in a thorough examination, etc.

Upon the 14th instant, I (4) received a despatch from the High Provincial

Provincial Authorities upon the report made to them by the Acting Provincial Treasurer, and Acting Provincial Judge of the results of their examination, with Mr. Holcombe, of Li Yin Kwei and others, brought before them under charges of conspiracy with Porter, and of the Interpreter, Li Heung Tan, charged with aiding the others in the attempt to levy illegal taxes.

Upon this report the Viceroy and Governor remark that, as Mr. Holcombe had full authority to examine into this business, and manifested a just and equitable spirit in his conduct of it, it seemed to be our duty to address him in a despatch, covering in detail the points in the case, and to await a detailed response. His response stated that other public business of importance required his immediate return to Peking.

Mr. Holcombe brought with him writers who made careful records of the evidence taken, and he personally examined

examined all the prisoners with the greatest minuteness and care, securing evidence indisputably correct, and leaving no uncertain points in the case, so that it might be settled upon the evidence secured by him, yet we received no despatch from him stating what disposition of the case he had made, and he returned to Peking.

Thus the case is still unsettled, and it hence becomes our duty to request the Foreign Office to address H. E. Hon. Seward in the business, that he may examine into it, and decide what settlement of it ought to be made, in conformity with Treaty stipulations and the requirements of justice, in order that his equitable spirit may be manifest, etc. etc.

I beg leave to remark that, in the case of the employment of a foreigner named Porter by Hsu Leping and others, to aid in the levy of illegal taxes, resulting in wanton slaughter,

the

the full particulars of Consul Le Gendre's management of the business, are clearly set forth in the despatch sent to me by the High Authorities of Fukien. It becomes my duty, therefore, to hand to Y. E. a copy of their despatch for your examination, and to request to be informed in response, upon what basis Y. E. proposes, consistent with justice to settle the case.

H. E. George F. Seward.
&c &c &c &c

Peking, November 21st, 1877

Enclosure
Copy of despatch received from the Provincial Authorities of Fukien

Despatch No. 386.

Enclosure 4.

Copy of a despatch received from the Viceroy and Governor of Fukien.

Respectfully submits the report of Li Ming Chih, Acting Provincial " Treasurer, and Yeh Yung Yuan, Acting Provincial Judge, stating that in obedience to the instructions of I. G. the Viceroy and Governor, they had given many days to examining Li Yin-mei, and others, brought before them and Mr. Holcombe, held under charge of conspiring with a foreigner named Porter, to levy illegal taxes, which " conspiracy had resulted in manslaughter, and also the charge against the " Interpreter, Li Ming Lan, of aiding and abetting the conspiracy, and the request of the two deputies, named above, that the case be laid before the Foreign Officer.

The Viceroy and Governor have the honor to remark that, in consequence of the Lanoa connection with this business, there are many points which they

cannot

cannot understand. They are therefore, in duty bound to submit them in detail herewith. (Here follows the text of the fourteen points contained in the despatch sent to Mr. Holcombe, by the Provincial Judge and Grain Commissioner, 28 September and given in his report. C.H.)

In response to these points sent in detail to Mr. Holcombe, a despatch was received discussing each of them, and stating further that other public business made it necessary that he should return at once to the Capital.

If the Provincial Judge and his Associate, deputed to assist in the investigation of this business, for the sole purpose of adjusting it, should enter upon a discussion of the various issues contained in the despatches in the case, not only would the time of settling the business be postponed indefinitely, but they would fail therein to regard the object of their

appointment

appointment. But it must, however, be said that, Mr. Holcombe, having been despatched to Foochow by H. E. Mr. Seward with full authority to enquire into the business, the Provincial Judge and his Associate spent many days in examining into the case with him, and spared no effort to aid him at every point desired by him, with a view to the adjustment of the case at an early day.

Mr. Holcombe brought with him writers who made careful records of the evidence taken, and he personally examined all the prisoners with the greatest minuteness and care, securing evidence indisputably correct, and leaving no uncertain points in the case. Thus it might have been settled upon the evidence secured by him. Yet we received no despatch stating what decision he had taken in the case, and he returned to Peking. Hence the case is still unsettled, and the object sought in

Mr.

Mr. Seward's despatches to the Foreign Office and the Tsukien Treaty is not attained.

Mr. Holcombe failed to examine into certain points of the greatest importance in the case. For instance:— In the point of payment of money to Consul de Lano by Li Yinmei and his associates, Li Heng Lan's servant Hsü Kwei, testified that Li Yinmei paid $200. into Li Heng Lan's hand. A searching inquiry on this point would have brought out the truth. He ought to have reexamined Li Heng Lan, as to whither, after the receipt of this money, he paid it over to some other person, and, if so, to whom; or whither he put it into his own pocket. He should have confronted Hsü Kwei with the other three persons, and cross examined them. If Consul de Lano actually received this money it would have been exceedingly difficult to have covered the fact. If he had

not

not received it, it could have been made plain. It is a pity that Mr. Holcombe, after he had personally examined Hsü Kuei, did not re-examine the others named, for consequently, a most important point is still not made clear.

Again, in regard to the illegal use of a flag, the United States Treaty, and the despatches of Minister Reid, fix severe penalties, as Consul Le Gendre ought to be well aware. But his letters to Brigadier Wang state that the flag had stripes but no stars, and his despatch to the Viceroy declares that the flags were made by Mr. Ts'ai Ping, and the other Chinese. In his despatch to Minister Seward, he declares that the flag used by Porter was an old signal, used by him as a pilot, for years. The more he explains, the more false it becomes, and it is evident that he is only seeking an opening by which to dissipate suspicion. This point

should

should have been cleared up by further examination.

Again, Consul Le Lane brought complaint against Intendant Chen for fabricating charges against himself and his Interpreter, in order to ruin their reputations. As Li Sheng Lan has been suspended, nothing further need be said about his reputation. But the Consul consented to the Interpreters conduct, and permitted his fraudulent practices, ignorant that he was thereby personally implicated, and then complains of persons that they seek to injure his reputation. What is his idea in this? Who was right, and who was wrong, should have been inquired.

Again, Consul Le Lane commended Porter as a man of ability, and above suspicion, confided in Li Sheng Lan, and failed to examine into his conduct, and without previous inquiry of the local Authorities, furnished Porter with

his

his official cards, with the result that Porter leagued with disreputable characters, who trusted to his protection, acted in a high handed way, and a case of manslaughter ensued.

In the face of these errors of the consul, it would appear that, in American law, he cannot be held to be merely guilty of errors of judgment.

As Mr. Holcombe had been deputed to this Mission, he should have settled the case. But he has returned to Peking, and it is still in suspense. We must therefore forward copies of the correspondence and request the Foreign Office to address H. E. Mr. Seward with the request that he will speedily act upon the business left unsettled by Mr. Holcombe, and inform the Foreign Office upon what basis, consistent with Treaty stipulations and the requirements of justice, he proposes to settle it, in order to manifest his equitable spirit. An immediate answer is desired,

in

in order that proper discrimination may be exercised in dealing with the case here.

The Viceroy and Governor, having received and perused this report of the deputies, beg leave respectfully to refer the whole subject to the Foreign Office, for its consideration.

Despatch No. 386.
Enclosure 5.

Mr. Seward to Prince Kung.

Peking, December 3rd, 1877

I have had the honor to receive Y. I. H.'s despatch of the 21st ultimo, in regard to the case of Potu and the fishing guild at Foochow.

I beg leave, in response, to point out that it appears desirable, as a preliminary step, to compare the evidence procured by Mr. Holcombe, with that sent up by the Provincial Officers of your Government.

If this view meets with the approval of Y. I. H. Mr. Holcombe will proceed to the Yamen, on such day as may be named by you, in order to present the evidence secured by him.

I have, &c.

(Signed) George F. Seward

Despatch No. 386.
Inclosure 6.

1/1878

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication.

In the matter of the conspiracy between Kw Lzping and others with Porter to levy illegal fishing taxes, and resulting in a case of manslaughter, after Y. E. had sent Hon. Secretary Holcombe to Foochow to investigate, I received, upon the 14th November a report from the Provincial Authorities that Hon. Holcombe had not decided the business, but had returned to Peking. With regard to the failure to settle the case, this Office addressed Y. E. upon the 21st November, forwarding a copy of the report mentioned, and requesting a response regarding the adjustment of it.

In this case, I have the honor to remark that foreign Powers have no right, according to Treaty, to interfere in the domestic affairs of China. The levy of forced taxes upon fishing nets,

and

and the oppression of this class of the people has been represented to the Throne by the Provincial Authorities of Fukien and been forbidden. How could Mr. Le Lang, for many years a resident of Foochow, be ignorant of this interdict, and proceed in a course which was illegal.s This is one count in the indictment against him.

The use of the United States flag by vessels of another nationality for purposes of illicit trade is forbidden by Treaty. Porter is an American, and was engaged in illicit trade. Why did Consul Le Lang accord to him the use of the United States flag.s If it be said that the flag had no stars - it had, instead, white spots, and hence how can it be said that it was not the United States flag.s Further, Li Yin Mei testified that Porter agreed to ask a flag from the Consul, and that Porter said that the flag used was from the Consul. The testimony of all shows this.

This

This forms the second count in the indictment.

Porter proceeded clandestinely to a port not open to foreign trade, to levy forced contributions, causing a case of manslaughter. This would seem to be a most grave crime in connection with this business for which Porter should have been held in custody for a joint trial. Why did Consul de Lanessimply release him.[3] This again, was an improper act. Further, if Consul de Lans had not acknowledged the contract, furnished his official cards, and allowed the use of the United States flag, how could Porter have engaged in this most illegal business.[5] Thus Porters crime was equally the crime of Consul de Lans.

If Consul de Lans had not persistently given full license to Li Heng Lan, how could the latter have meddled with cases at law in the Province of Fukien, to the extent of more than 20 suits, and how could

the

the Consul have been imposed upon by him, in this business. The receipt of a bribe was one of the crimes of Li Ieung Lan, and it was thus, equally, the fault of Consul de Lano.

After an examination of the foregoing particulars in this case, I am unable to say that Consul de Lano has been without fault. In the first despatch received from G. E. in this case, you admit that there certainly was the use of the American flag, and of a seal, and that you could not say that Consul de Lano was without fault. And Asst. Secretary Holcombe, in his despatch to the Provincial Judge and Grain Commissioner, also held that it would have been better, if he had not given his official cards to Porter, and said that the Consul sought to shield Li Ieung Lan, because he had for a long time had confidence in him, etc. Thus G. E. and Asst. Holcombe, both, do not hesitate to

concede

concede that you hold Consul
Hle Lan to have been in error.
But Li Hung Lan has been suspended,
while Mr. Hle Lan continues in his
office without interference. Alike
in guilt, there is difference in the
punishment meted out. According
to considerations of justice this would
not appear to be equal.

Referring to the release of
Porter by Consul Hle Lan, and his
failure to consult with the Authorities
for a joint trial, and having regard
also for all the points in this
business, I feel bound to address
H.E. again, inquiring upon what
basis consistent with justice You
propose to decide the case, and to
ask your consideration of the matter,
and an answer, which, it is hoped,
may be had without the least delay.

H.E. George F. Seward,
&c &c &c &c
Peking, January 2nd, 1878

Despatch No. 386.

Inclosure 7.

3/1878

Mr. Seward to Prince Kung.

Peking, January 9th, 1878.

Referring to the despatch which Y. H. has addressed to me under date of the 3rd instant, in regard to the Porter case, and Mr. McLane's connection with it, as reported to you by the Foochow Authorities, I beg leave to say that I will call at the Foreign Office at 1.30 p. m. tomorrow, if that hour will be convenient to the Ministers, in order to make known to them the course which I have pursued, and my opinions upon sundry points involved.

I have, etc

(Signed) George F. Seward.

Despatch No. 386
Enclosure 8.

3/1878.

Mr. Seward to Prince Kung.

Peking, January 16th, 1878

Sir:—

On the 10th instant, I visited the Foreign Office, and had a conversation with the Ministers there present, to wit:— Their Excellencies Shen, Tung, Cheng and Hsia, in regard to the charges against Mr. De Lano. During the interview, I exhibited to them the evidence procured by Mr. Holcombe, explained to them, as fully as time would permit, my views in regard to the same, and stated that I had long since sent a full report upon the case, with all the evidence, to Washington, and asked that any further discussion of the matter be left in abeyance, until my instructions should be received. To this proposal, their Excellencies, the Ministers named, assented, and I now address this note to Y. I. H. in order to make the record complete. I have etc.

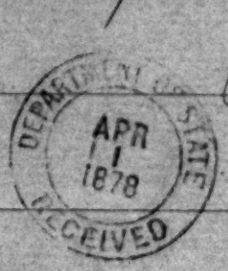
(Signed) George F. Seward

Ack & file, as will be in form of instruction already sent when question can be determined

WP

WPayson

No. 387. Two Enclosures.



United States Legation.

Peking, January 23rd, 1878.

George F. Seward to

the Secretary of State.

Subject.

C. F. Jones' claim.

Synopsis.

The Consul at Tientsin presents a petition from the person named, asking Mr. Seward to prosecute a claim for services rendered by him to the Chinese Government, and Mr. Seward declines, for the reason that the Petitioner afterward took part in military operations directed against

against the Government

No. 387. Two Enclosures.

United States Legation.

Peking, January 23rd, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:

I have the honor to hand to you herewith, Mr. Denny's despatch, number 6, and the enclosed petition of Mr. C. F. Jones, asking me to prosecute a claim which he raises against the Chinese Government, for services rendered in the year 1862. 1/387.

I enclose also my response declining to ask your authority to take up the matter, for the reason 2/387

reason that the Petitioner was subsequently engaged in waging war upon China.

I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Seward

Enclosures.

1. Mr. Denny to Mr. Seward. No. 6. January 18th, 1878.
2. Mr. Seward in response. No. 38th, January 21st, 1878.

Despatch No. 387.
Enclosure 1.

Copy.

No. 6.

United States Consulate,
Tientsin, January 18th, 1878.

Hon. George F. Seward.
U. S. Minister.
Peking.

Sir:—

I have the honor to transmit herewith the claim of Charles F. Jones, of Portland, Oregon, for Taels 2100., against the Chinese Government, for his services while in command of the Steamer "Keorpor", during the Tai Ping rebellion. I received this document by the last mail from the United States, with a letter from Mr. Jones, asking me to forward it to you.

I am, Sir,
Your obedient servant
(Signed) C. R. Mayers
Consul

To Honorable George F. Seward,
United States Minister at Peking, China.

The petition of Charles F. Jones, an American citizen, respectfully showeth:—

1st. That in the years 1862. 1863. and 1864, resided at Shanghai, in the Empire of China.

2nd. That in May, 1862, took command of a new steamer, owned by Charles E. Hill, also an American citizen, which he immediately after, chartered, through General Ward, to Gang Sakee, for the use of the so called "Sung Kong" force. The steamer was called by Sakee, the "Keorpeor," and a charter was made at Taels 3000 per month. Sakee to have full control of the steamer, appoint all officers and men, and pay all expenses.

3rd. That, under this arrangement, and on the recommendation of General Ward, Sakee re-appointed me Captain of the steamer, with a salary of Taels 300. per month, and at their request, I engaged a Chief Officer (a foreigner) an Engineer and Firemen

Lieuenes, and a Crew.

4th. That the steamer was at once made into a gunboat, and guns and a fighting crew put on board.

5th. That I remained in command of the steamer, under Ward, until his death, under Burgevine and Holland, until their dismissal, and continued in command until the summer of 1863. when in consequence of a slight disagreement with the Prince Guen, or Petty Mandarin, on board, I was discharged and a native Captain placed in charge. Shortly after the steamer was captured and taken to the rebels.

6th. Shortly after my dismissal from the command of the "Keoyeou", I rejoined the Force, at the urgent Request of Col. Gordon, and served under him, as Captain of the steamer Zeatlee, and in other capacities until 1864.

7th. That while Ward and Burgevine had command of the Force, the "Keoyeou" was in constant use as a gunboat, and despatch vessel, being repeatedly under

fire

fire, thus exposing all on board to great danger, many men at different times, being killed on her. I, for this reason, did not draw my monthly wages, from June 1st till December 31st, 1862, but left it with Sabey, for safety. All other expenses of the steamer were, however, regularly paid by the Paymaster of the Force.

8th By Burgevine's order, I accompanied him to Sabey's house where he went for money to pay the soldiers of the Force, and I was unfortunately present at the altercation between them, that led to Burgevine's dismissal from the Force.

9th In January, 1863, wishing to remit money to my family, and exchange being greatly in my favor, I applied to Sabey for the money due me, and he refused payment, for no other reason than that I was with Burgevine when the trouble between them took place, and the whole amount of wages for seven months is still due and unpaid. Although my wages from

that

that date until my dismissal from the command of the steamer was regularly paid with her other expenses.

10th. That the only reason given to Your Excellency, when U.S. Consul at Shanghai for not paying me the money due, was an accusation that during a portion of the time, between my dismissal from the command of the Steamer "Keorpon", and my reengagement in the force at Col. Gordon's request, I had acted with the rebels.

11th. That if such accusation had been found true, and was, at the time a barrier to my claim for wages honestly earned, I beg to represent, that my reengagement by Col. Gordon, and long and faithful service in the Force under him afterward, is a complete answer, and the Chinese have no right to plead this, after again accepting my services.

12th. That I have only lately heard

that

that Charles E. Hill is pressing his claim for use and loss of the Str "Keoper", against the Chinese Government. And as the establishment of his claim must clearly establish the justice of mine, I most respectfully request that you will demand of the Chinese Government, or of Tang Tahee or whoever is held liable to Hill, the payment of my claim, say 7 months wages at Tails 300 per month — Tails 2100. with such sum for interest, as Your Excellency may deem just and equitable.

And your Petitioner as in duty bound

(Signed) Charles F Jones.

Despatch No. 387.
Enclosure 2.

Mr. Seward to Mr. Denny.
No. 38. Peking Jan'y. 21st, 1878

Sir:-

I have received your despatch, number 6, inclosing the petition of Mr. C. F. Jones, asking me "to demand "of the Chinese Government, or of "Yang Tsae, or whoever may be "held liable" payment of a claim for his services as commander of the steamer "Keoyeo", for a part of the time while she was employed for military purposes by the Chinese Authorities at Shanghai in the years 1862 and 1863.

After Mr. Jones employment as indicated, he joined the Tai Ping insurgents who were then waging war against this Government, and took an active part in their operations. If I am not wrongly informed, he was one of the very party which captured the steamer in question, and transferred her to the insurgents.

Your

You will see that, under these circumstances, it is impossible for me to ask from the Secretary of State authority to prosecute Mrs Jones' claim.

I am &c

(Signed) George F. Seward

Answered April 8.

Report

Desk. Ex.

Mr. Payson

Mr. Morrison told me to file this, apl 24 J. H. S.

No. 388. One Enclosure.

United States Legation,
Peking, January 25th, 1878.

George F. Seward to
the Secretary of State.

Subject.

Salary account for first and second quarter of 1876 restated.

Synopsis.

Refers to a previous despatch and instruction, and to the facts regarding the establishment of the Legation at Shanghai, and his absence from his post on account of severe illness, and asks consideration of the case as thus presented.

No. 388. One Enclosure.

United States Legation.

Peking, January 25th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

In the month of December 1875, I received a telegram from Mr. Fish, directing me to proceed to Peking and take charge of this Legation, the post of Minister having become vacant by Mr. Avery's death. I was unable to do this, in consequence of the usual winter interruption of navigation, but on the 1st of January, I placed the Consulate General in charge of the Vice Consul—

Consul General, and assumed
the duties of Chargé d'Affaires,
establishing the Legation at "
Shanghai.

On the 12th " of January,
having received a second "
telegram from Mr. Fish, "
informing me that I had been
appointed and confirmed as
Minister to China, I took the
oath of office, and entered upon
the discharge of my duties, "
continuing the Legation at
Shanghai.

On the 20th " of January,
being in such health that it
was necessary for me to leave
Shanghai, I proceeded to "
Hongkong, and remained there
until

until the 27th of March, when,
having sufficiently recovered
my health, I returned to "
Shanghai, arriving there on the
31st " March. On the 12th " April,
I left Shanghai for Peking, "
arriving here on the 20th " of April.

On the 10th " of April, I
sent to Hon. Fish, from Shanghai,
accounts for my services as Chargé
d'Affaires, from January 1st " to
12th ", and as Minister from January
12th ", to March 31st ". Against these
accounts, I drew upon him for
$181 33/100, and upon Morton, Rose
& Co. for £541.18.9 " 2, equal to
$2637 36/100.

Not being entirely sure
whether these accounts would

be

be found in order, I refrained from rendering an account for the next quarter, and have not done so, or received compensation for that quarter.

On the 13th ult of October, 1876, Hon. Fish's instruction, number 58. arrived. By it, I was informed 1st ult, that I could be allowed salary as Consul General performing diplomatic functions from 1st ult January to the 20th ult of that month, the date of my departure for Hongkong, and from 31st ult of March to the date of my departure for Peking.

2nd ult, As Consul General for 60 days while absent at Hongkong.

3rd ult, As Minister for the time occupied

occupied in the transit to Peking.

4th " As Minister from the date of my arrival here.

Upon leaving the Office at Shanghai, on the 1st " of January, 1876, I placed it fully in the charge of the Vice Consul General, and he has already closed his accounts with the Government, charging the full salary of $5000. a year, for the period of his charge. I presume that, under these circumstances, I can make no claim for any farther compensation as Consul General.

It has seemed to me, however, that I am fully entitled to claim salary, as Minister, from the 12th " of January.

January. I assumed duty, as such, on that date. I was recognized as such by this Government, from that date. The Legation was actually established at Shanghai, when I assumed duty as Minister, and had been, as established, from the 1st of January. It was, therefore, my post for the time being, within the meaning of the law, and of the Departments general and special instructions.

While at Hongkong, an absence enforced by the state of my health, I discharged all the duties of my position as Minister, as fully and perfectly as I could have done at Shanghai. But I was then on foreign

territory

territory, and waive any claim for my services during this period.

It is my impression, however, that it is competent for the Department to allow me compensation, for 60 days, while I was so absent. As I have said, I was ill, and my absence was an enforced one. The law affecting such cases with Ministers and Consuls, is the same, and in Mr. Fish's own despatch, it is stated that I could be granted compensation, as Consul General, for this period.

Upon this basis, I should be entitled to compensation as Chargé d'Affaires, at say $3000. a year, from the 1st to the 12th of January

January, as Minister from the 12th to the 20th of the same month, as Minister for 60 days, while absent on account of sickness, as Minister again, from the date of my return to Shanghai, the 31st of March, to the 12th of April, and thereafter for transit, etc. as stated in Mr. Fish's despatch.

I now send to you an account stated on this basis, together with my certificate that I established the Legation at Shanghai as stated, regarding my illness, etc.

You will see that the matter is one of considerable interest to me. For this reason I would have preferred to leave it

1/388.

it open until I could speak about it personally. I have thought, however, that the officers of the Treasury will prefer to have the account closed, and send to you, therefore this despatch.

If my account, as stated, be approved, I beg leave to ask, in what way I may draw for the amount due to me.

I have the honor to be,

Sir,

Your obedient servant.

Wm H. Seward

P. S. There is a certain hardship in expecting a Consul, in charge of a Legation, to provide for the Consulate. Is not the Vice Consul

in

in charge in such cases, entitled to the salary appropriated for the Consulate, and the Consul to compensation, as provided by law, irrespective of the use thus made of the Consular appropriation.

If such is a fair reading of the law, I am entitled to pay for the 11 days when I was in charge as Consul General, at the rate of $8000. a year, instead of $3000. that is to say $241.76, instead of $90.66

G. F. F.

Enclosure.

1. Restatement of salary account from January 1st to June 30th, 1876.

Despatch No. 388.

Inclosure.

Restatement of Salary account.

January — June, 1876.

The United States in a/c

1876			Dr.
Jan. 11	To salary as Chargé d Affaires at $3000. a year, salary as Consul General having been drawn for by the Vice-Consul Genl. in Charge) from Jan 1st to date — 11 days		90 66
" 20	" salary as Minister from Jan 12th to date, 9 days @ $12000.		296 70
Mar. 20	" compensation for 60 days while absent from post ill		1978 02
Apr. 11	" salary as Minister from March 31st to April 11th — 12 days		395 60
" 20	" compensation while making transit from Shanghai to Peking — April 12th to 20th — 9 days		296 70
June 30	" salary from April 21st to June 30th, 71 days		2340 66
			5398 34

United States Legation
Peking, January 25th, 1878

1878			
Jan. 25	To balance brought down	$	2579 65

with George F. Seward Cr.

1876.			Cr.	
Apr. 10.	By my draft of this date favor W. H. Fogg & Co.		$ 181	33
" " "	my draft of same date on Morton, Rose & Co for £ 541 " 18 " 9 " 2		2637	36.
June 30	" balance carried forward		2579	65
			5398	34

E. & O. E.

Geo F. Seward

United States Minister.

Legation of the United States.
Peking January 24th, 1878.

I hereby certify that I assumed duty as Chargé d'Affaires of the United States in China, establishing the Legation at Shanghai, on the 1st day of January, 1876, and as Minister, continuing the Legation at Shanghai, on the 12th day of January, 1876; that on the 20th day of January, being ill and my life in great danger, I was obliged to leave my post, and to proceed to Hong Kong; that I remained there, as a matter of necessity, for the same reason, from the 23d of January until the 27th of March; and that, on the 31st of March, I returned to Shanghai, and again established the Legation there; that, on the 12th of April I left Shanghai and proceeded to Peking, where I arrived on the 20th of April, the intervening period having been actually and necessarily occupied in the transit;

that

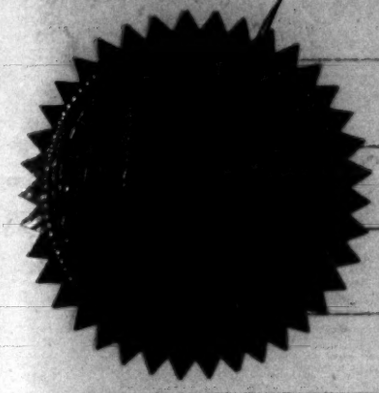
that on the next day, to wit, the 21st day of April, 1876, I established the Legation at Peking.

I do further certify that I was recognized by this Government as such Charge d'Affaires, and as such Minister, Resident for the time being at Shanghai, as shown in my despatches, numbers 10. and 29. and that my course in establishing the Legation at Shanghai on the 1st January, 1876, as stated, navigation and access to this Capital being then closed, was approved in Mr. Fish's despatch, number 58., and that my absence from my post at Hong Kong as stated, on account of my health, was also approved by him in the same despatch.

I further certify that I consider myself fully and rightfully entitled to compensation as shown in the account hereto attached.

Geo. F. Seward

Sworn to before me at
Peking, this 25th day of January, 1878



Chester Holcombe
Secretary of Legation

Mr Payson

No. 389. One Enclosure.

United States Legation,
Peking, January 25th, 1878.

George F. Seward to
the Secretary of State.

Subject.

Salary account third and fourth quarter of 1877.

Sent to Solicitor April 4. 1878 JM

Synopsis.

Transmits same. Amount due the Government for passports will be credited in next account. No exchange statement sent for the reason that the value of the Shanghai tael has never been determined.

No. 389. One Enclosure.

United States Legation.

Peking, January 25th, 1878.

Honorable William M. Evarts,

Secretary of State.

Sir:

I have the honor to hand to you herewith, my account for salary, for the third and fourth quarters of 1877. 1/389

Since drawing my last draft against this account, I have remembered that amounts received for the issue of passports should have been credited in it. I have written to Shanghai and Tientsin for statements of those issued in those offices, and will

will transmit the statement required, so soon as answers are received. The amount due to the Government will be credited in my next salary account.

I have not brought into any of my salary accounts any statement of exchange, because the currency for which my drafts are sold is the Shanghai tael, and its value has never been determined at the Mint. I am somewhat a loser in this way, as drafts on London are always at a discount in Shanghai.

I have the honor to be, Sir Your obedient servant,

George F. Seward

Enclosure.

1. Salary account, July-December 1877.

Rec'd April 6.

W Rayson

No. 390.

United States Legation.

Peking, January 25th, 1878.

George F. Seward to

the Secretary of State,

Subject.

Receipt of despatches.

Synopsis.

Department instructions 197 to 202. inclusive, together with Circular of November 12th, have been received.

No. 390.

United States Legation.

Peking, January 25th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have had the honor to receive your instructions, numbered respectively 197. 198. 199. 200. 201. 202, together with a circular, dated November 12th, and having reference to salary accounts of Diplomatic Officers.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Rec'd April 6.

Feb 7.

DeRenyson

No. 391.

United States Legation.

Peking, January 28th, 1878.

George F. Seward to

the Secretary of State.

Subject.

Forwards Customs returns.

Synopsis.

Reports on Trade at the Treaty Ports in China, for 1876, sent under separate cover.

No. 391.

United States Legation,

Peking, January 28th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to hand to you, herewith, under separate cover, two copies of the "Reports on "Trade at the Treaty Ports in China, "for the year 1876.", issued by the Inspectorate General of Customs.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Ack'd April 6-

Rec'd

To Payson

No. 392.

United States Legation.

Peking, January 28th, 1878.

George F. Seward to

the Secretary of State.

Subject.

Suspension of Interpreter at Foochow.

Synopsis

Department instruction, number 201, covering Mr. de Lano's despatch, number 192, has been received. The inclosure with No. 192. before Mr. Seward, when he prepared his report on the matter at Foochow of October 26th, number 345. That report will have perfectly justified

the

the action taken in Lee Kin Bee's

case.

No. 392.

United States Legation.

Peking, January 28th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have had the honor to receive your instruction, number 204, covering a copy of Mr. de Long's despatch, number 192., and Mr. Lee Kee Bee's protest against his suspension from the office of Interpreter at Foochow, for gross abuse of his official position.

The protest of Mr. Lee Kee Bee was before me when I prepared the report on matters at Foochow, made in my despatch, number

number 345. The evidence then transmitted was conclusive as to his wrong doings.

I am entirely prepared to believe that the officer named was able and efficient, but I do not approve of Mr. de Lano's language, when he says that he had "ever found him faithful "in the discharge of his duties." I regret, for Mr. de Lano's sake, that he appears to be unable to take a candid view of the Interpreter's case.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

4

File see report of June 6 April 1878

Brunnow

Rec'd

McLane

No. 393. One Enclosure.

United States Legation,

Peking, January 29th, 1878.

George F. Seward to

the Secretary of State.

Subject.

The charges against Mr. McLane.

Synopsis.

Transmits a letter from the Foreign Office, written subsequent to Mr. Seward's recent interview with the Ministers. They ignore the understanding then reached. Mr. Seward will not respond to this letter, and doubts whether a response is expected.

No. 393. One Enclosure.

United States Legation.

Peking January 29th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I had the honor to address you on the 23rd instant, in regard to Mr. Le Lano's case, reporting, in a detailed and careful way, what had transpired at an interview which I had held with the Ministers of the Foreign Office, and at which, as a conclusion, they expressed themselves willing to await your determination of the given matter.

I

I have, more lately, received
1/393 the enclosed letter from the
Foreign Office, in which, as you
will see they ignore about
every thing that was said and
agreed to at that interview.

I shall be glad to have
you compare that letter with
my recent despatch. It may
not prove an edifying study,
but it will afford another
lesson in the peculiar ways
of this peculiar people.

I shall make no
response to this despatch. I
doubt, indeed, whether the
Ministers expect one.

I have the honor to be,
Sir,
Your

Your obedient servant.

Geo. F. Seward

Enclosure.

1. Prince Kung to Mr. Seward

6/1878. January 25th, 1878.

Despatch No. 393.
Enclosure.

6/1878.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication in reply.

In the matter of Consul de Lano's permitting a conspiracy between his Interpreter, and a degraded scholar named Ku Ly Ping, for the levy of forced contributions, and the case of manslaughter resulting from it, this Office has furnished H. E. with indisputable evidence upon each of the several points in the case. After that had been done, H. E., with Ker. Secretary Holcombe, came to this Yamen, discussed the business, and stated that a full report upon it, with all correspondence and evidence, had been forwarded to Your Government, and that, upon receipt of Your Government's instructions in reply, You would respond to my previous despatches, and that, if there still remained points at issue, this Yamen could then raise them, etc. etc.

Upon the 6th instant, I had the honor

to

to receive a letter from G. E, containing similar statements.

I beg leave to observe that the details of this case have all been made clear by the testimony of witnesses confronted each with the other, and as G. E. has an upright and just disposition, it would seem that, in your own mind, you must have a definite opinion as to the basis upon which it is to be decided. Hence, in the personal interview, the Ministers asked G. E. to deal with it according to your own sense of justice.

Regarding G. E's statement that the business had been referred to Your Government, and the request that a response be awaited: — this Office need not listen, but ought in accordance with previous discussions, to have from G. E. a just and equitable adjustment.

H. E. George F. Seward.

&c. &c. &c. &c.

Peking, January 25th, 1878.

Ack'd April 6.

Ltr

M Payson

No. 394.

United States Legation.

Peking, January 30th, 1878.

George F. Seward to

the Secretary of State.

Subject.

The Woosung Railroad.

Synopsis.

Department instruction, number 199, received. As already advised, the railroad has been taken up. The Chinese have also asked for the removal of the telegraph poles between Shanghai and Woosung, forming a part of the Great Northern Telegraph Company's Coast and European line.

The

The matter likely to be considered by the foreign Representatives here.

No. 394.

United States Legation,

Peking, January 30th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to recur to your instruction, number 199, authorizing me to cooperate with my colleagues, in representing to this Government, "on the ground of "public policy and convenience, "the inexpediency of their proposal "to remove the Woosung Railroad."

You will have learned from my previous despatches, the action taken by me in anticipation of your instruction.

The

The reactionary spirit evinced by the Government has found another expression lately. In 1873-74. the Great Northern Telegraph Company established its wires along the line of the proposed railroad. Some objections to this were made at the time, and were duly reported by me from Shanghai to this Legation and to the Department, but the opposition evinced was dropped after a season, and has never been exhibited since, until lately the Taotai at Shanghai has called upon the Danish Consul, to require the removal of the poles. The matter has

been

been referred to the Russian Legation, which has charge of Danish interests, and will, probably, be brought before the foreign Representatives generally, by the Russian Minister.

I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Edwards

Rec'd. April 6. Mr Lay

No. 395.

United States Legation.

Peking, February 1st 1878.

George F. Seward to

the Secretary of State

Subject.

General Stahel appointed Vice Consul General at Shanghai.

Synopsis.

Mr. Seward, having received from Mr. Wells a despatch stating that Mr. Julius Stahel, has been appointed by the President, Vice Consul General at Shanghai, has applied to the Government to recognize Mr Stahel, without

without awaiting the receipt of information directly from the Department.

No. 395.

United States Legation.

Peking, February 1st, 1878.

Honorable William M. Evarts.

Secretary of State

Sir:—

I have the honor to inform you that I received, on the 25th ultimo, from Mr. Consul General Shells, a despatch informing me that "Mr. Julius Stahel has been "appointed by the President, Vice "Consul General at Shanghai."

Having learned from public report, that Mr. Shells has been ordered to take charge of the Consulate at Hongkong, I at once applied to the Foreign Office

to

to recognize Mr. Stahel.

I have not yet received a response to my request, but it may arrive before the departure of this mail.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Later. I have received the recognition of Mr. Stahel by this Government.

File

Mr Payson

No. 396.

United States Legation.

Peking, February 5th, 1878.

George F. Seward to

the Secretary of State.

Subject.

Receipt of despatches.

Synopsis.

Acknowledges the receipt of Department instructions, numbered 203. and 204.

No. 396.

United States Legation,

Peking, February 5th, 1878.

Honorable William M. Evarts,

Secretary of State.

Sir:—

I have had the honor to receive your instructions, numbered 203 and 204.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

File

No. 397.

United States Legation.

Peking, February 7th, 1878.

DEPARTMENT OF STATE
APR 19 1878
RECEIVED

George F. Seward to the Secretary of State.

Subject.

Covers duplicate of number 271.

Synopsis.

As requested in Department instruction, number 204, forwards duplicate of Mr. Seward's No. 271 to the Secretary of State.

No. 397.

United States Legation,
Peking, February 7th, 1878.

Honorable William M. Evarts,
Secretary of State.

Sir:—

As requested in your instruction, number 204, I have now the honor to hand to you herewith, a copy of my despatch, number 271, the original of which has been mislaid. 1/397

I have the honor to be,
Sir, Your obedient servant.

George F. Seward.

Enclosure.

1. Mr. Seward to Mr. Evarts No. 271. June 12th, 1877.

Mr Burgoon

Copies to Treasury Sept. 12, 1878. Ltr & approve

No. 398. Two Enclosures. attended to -

RECEIVED APR 19 1878 DEPARTMENT OF STATE

United States Legation,
Peking, February 7th, 1878.

FOREIGN Relations 78

Copies to Am. Consuls

George F. Seward to
the Secretary of State.

Subject.

The "Trade Dollar."

Synopsis.

In view of the refusal of the Chinese Government to favor the Mint proposal, Mr. Seward has thought the moment opportune to inquire regarding the use of the Trade Dollar in China, and whether the demand for it can be improved. Incloses form

form of letter to the Consuls, and also copy of a letter to the Consul at Canton pointing out the fact that the Canton assay of the Trade Dollar is inaccurate, and asking whether it is desirable to have another assay made.

No. 398. Two Enclosures.

United States Legation.

Peking, February 7th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

In view of the decision of the Chinese Government to take no steps for the establishment of a Mint and a currency, I have thought the moment opportune to enquire of our Consuls whether the Trade Dollar is coming into circulation, and whether any official action may be taken which will increase the demand for it. I enclose the form of a letter which I am addressing to them. 1/398

them.

You will notice that in my
2/398 letter to the officer at Canton,
I point out the fact that an
official assay, of the coin
mentioned, made at his port in
1873, did not produce a correct
result, and ask whether it
is desirable to request another
assay. The Canton assays are
accepted by the Customs at
other ports, and the matter
seems important under these
circumstances. In point of
fact, however, foreign coins
are not imported for use at
their bullion value, but to
be put into circulation at the
higher value which their

convenience for circulating purposes creates. I have understood that the Trade Dollar sometimes commands two or three per cent premium at Canton, but it has not come into circulation, so far as I have heard, elsewhere.

At Shanghai in 1876, the singular spectacle was seen of Mexican dollars ranging in value, in the local currency, from .72 6/10 per cent, of the tael, to .82 5/10 per cent, a fluctuation of ten per centum between silver in the form of dollars, and silver as bullion. A more pertinent commentary on the fact that the Chinese would

would appreciate a coinage system, could not well be offered.

I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Seward

Enclosures.

1. Form of letter addressed to Consuls regarding Trade Dollar.
2. do. do. To Consul at Canton.

No. 31. February 5th, 1878.

Despatch No. 398.
Enclosure 1.

Mr. Seward to Mr. Mabel.
No. 107. February 5th, 1878.

Sir:

Please be so good as to inform me whether the Trade Dollar has come into circulation at your Port, if so, to what extent, and whether official action may be taken, which will be likely to create, or increase, demand for it.

I am, &c.

(Signed) George F. Seward.

(Same sent, mutatis mutandis to Consuls at Amoy, Foochow, Ningpo, Chinkiang, Hankow, Newchwang, and Tientsin.

Despatch No. 398.
Enclosure 2.

Mr. Seward to Mr. Lincoln.
No. 31. February 5th, 1868.
Sir:—

By an assay made at your Port in 1873, the Trade Dollar was declared to be .8961 fine, and 111.9 tails weight of them to be equal in value to 100 tails Haikwan or fine/ sycee. In point of fact however, the Trade Dollar is .900 fine, and 111.1 tails weight of them should be equal to 100 tails Haikwan sycee. By the same assay, 100 Trade Dollars were found to weigh 72 tails 6 mn. 8 c. The Haikwan tail is declared to weigh, however, 1 oz. 4 dwts. 3 84/100 grains, or, say 579.84 grains. The Trade Dollar weighs 420 grains, and its weight by the Haikwan standard should be 72 t. 4 m. 3 c. 2 tails.

Please be so good as to inform me whether, looking to the facts recited above, and to the course of exchange, and any other considerations which may be involved, it is worth while for us, in your

opinion

opinion, to ask for another assay of the Trade Dollar. Please advise me also, whether any official action may be taken which, in your opinion, will tend to increase the demand for Trade Dollars in this country.

I am, &c.,

(Signed) George F. Seward

file

Ark 76

W Payson

No. 399.

United States Legation.

APR 19 1878 RECEIVED

Peking, February 7th, 1878.

George F Seward to

the Secretary of State.

Subject.

The "Ward Estate" claim.

Synopsis.

The Departments instruction, number 203, received. The given matter has not been taken up heretofore for reasons stated. Mr. Seward will review the case and report, transmitting, at the same time, the views of the claimant. The difficulties attending the prosecution

of

of claims, and the necessity of approaching such matters with caution.

No. 399.

United States Legation.

Peking, February 7th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have had the honor to receive your despatch, number 203., in regard to the Ward Estate claim.

I have not been disposed to ask your authority to undertake negotiations for the settlement of this matter, for the reason that the transactions, out of which it originated, may be considered, perhaps, to have been of a private nature, and

and to involve the responsibility of the given Chinese official, Woo, Taotai, rather than the Chinese Government. The evidence to be advanced, on the side of the Estate, moreover, is not so conclusive as it might be.

So soon as I can do so conveniently, I will reexamine the whole matter in order to report to you at length. I understand that Mr. Twombly, who represents the claim, has returned to China. I am likely to visit Shanghai, where he resides, early next month, and I shall avail of the opportunity to ascertain definitely

definitely the views which he holds, and will defer my report, until I can place them before you, with those at which I may arrive.

It will have become manifest to you that the prosecution of claims in this country is attended with grave difficulties. It is my desire, certainly, as it is my duty, to do all that is in my power to secure justice to our countrymen. Yet I cannot forget that it would be disastrous, to my influence, to fail in carrying through any matter advanced, and that a certain interference with my opportunities

opportunities to promote general interests, results from our having to deal at all with claims matters. For these reasons, it becomes desirable to approach such business with the greatest caution.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Mr Payson
Col. Morgan
Mr Benedict

No. 400. One Enclosure.

DEPT OF STATE
APR 19 1878
RECEIVED

United States Legation.

Peking, February 8th, 1878.

George F. Seward to

the Secretary of State.

Subject.

Passport Returns.

Synopsis.

Covers a detailed statement of all passports issued from April 1st 1875, to December 31st, 1877, inclusive,

No. 400. One Enclosure.

United States Legation,

Peking, February 8th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to hand to you, herewith, a detailed statement of all passports issued by this Legation from April 1st, 1875, to January 1st, 1878. 1/400.

The fees for numbers 203. 204. and 205. were collected by Mr. Avery, and I am unable to say whether he accounted for them to the Department, or not. The fees for numbers 202. and 206., were collected by Mr. Holcombe, who has

has paid them to me.

This statement shows a sum of $65. to be due to the Government as fees, which, as I informed you in my despatch, number 389., will be credited in my next salary account.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Enclosure.

Returns of passports issued from April 1st 1875. to January 1st 1878.

Despatch No. 400.
Enclosure.

Passport Returns

from April 1st 1875.
to January 1st 1878.

Passport returns from

No	Name	Date	Birth place	Age
		1875		
202	Hon. Chas. E. Simmons	Apr. 5.		33
203	Robert H. McClay	May 3.	Ancestry parents Foochow of	23
204	Miram H. Lowry	Sept 22	Ohio	32
205	George R. Davis.	" "	"	28
206	Isaac Pierson	Dec. 26	New Jersey	32
		1877		
207	H. P. Sprague	May 5	New York	34
213	H. S. Fitts	Mar. 13.	Massa settd	39
213	H. K. McKibben	June 18	Ohio	29
214	George F. Fitch	Sept. 19		32
215	J. E. Coates	Nov. 5		45
216	J. H. Davis	" "		28
217	John Pike	" 21		42
218	Geo. E. Boomer	Dec. 3		30
219	R. C. Brodhurst	" 26		32
220	Albert Whiting	" "		30
221	Ben Helm	" "		33

Issued at Shanghai.

United States Legation,
Peking, February 8th, 1878.

400. Peking-

April 1st 1875 to December 31st 1877.

Height	Eyes	Nose	Hair	Face	Complexion	Fee
5 feet	brown	medium	brown	medium	fair	$5.00 Issued by Gen. Seward
5 " 7	"	aquiline	"	round	"	
5 " 7	grey	straight	"	oval	dark	"
5 " 9	"	"	"	"	fair	"
5 " 10	blue	large	"	long	florid	$5.00
5 " 11	blue	straight	"	"	fair	$5.00
5 " 9	"	medium	"		"	$5.00
5 " 7	brown	large	"		light	$5.00
5 " 11	dark	Grecian	dark		dark	$5.00
5 " 10	blue	medium	brown		fair	$5.00
5 " 9	grey	"	"		"	$5.00
5 " 8	blue	straight	light		ruddy	$5.00
5 " 6	hazel	"	auburn		"	$5.00
5 " 7	grey	"	black		sale	$5.00
5 " 11	dark	large	"	oval	dark	$5.00
5 " 8 3/4	blue	medium	brown		fair	$5.00
						$65.00

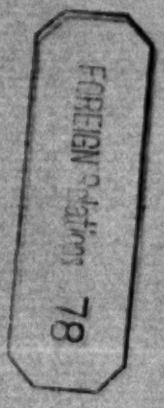
Geo. F. Seward.

United States Minister

File Feb 74
McPherson

No. 401. Two Enclosures.

United States Legation.
Peking, February 8th, 1878.



George F. Seward to
the Secretary of State.

Subject.

The Woosung-Shanghai Telegraphs.

Synopsis.

The Chinese local Authorities having demanded the removal of the line, the Danish Consul has referred the matter to Peking, and the Russian Minister, who has charge of Danish interests, has brought it before the Diplomatic Body. The several

Ministers

Copied for Mr. Evarts.

Ministers have agreed to request their officers at Shanghai to do what they can to preserve the line, until the question can be settled in a regular manner by the Authorities concerned.

No. 401. Two Enclosures.

United States Legation.

Peking, February 8th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I have the honor to recur to the matter mentioned in my despatch, number 394, of the demand of the Authorities at Shanghai, for the removal of the Shanghai-Woosung Telegraph, and to hand to you, herewith, a copy of the letter from the Intendant at that Port, to the Danish Consul, advancing the demand.

This matter has been formally

1/401

formally presented to the Diplomatic Body by Mr. de Bützow, Minister of Russia, who is charged with the care of Danish interests in this Empire, and the several Ministers agreed to write to their Consuls, as indicated in a
2/1401. letter which I am sending to our officer, a copy of which I enclose.

You will notice, upon perusal of the letter, that I recite to the Consul General, briefly, the facts as I understand them, and request him to aid his Danish colleague in efforts to continue the status quo, until the

business

business has been disposed of by the parties concerned.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward.

Enclosures.

1. Intendant Lico to Marish Consul. January 1st, 1878.
2. Mr. Seward to Mr. Stahel No. 111. February 7th, 1878.

Despatch No. 401.
Enclosure 1.

Copy.

Intendant Lin to the Spanish Consul.

Shanghai, January 14th, 1878.

Lin, Superintendent of the Kiangsu Customs, and Intendant of Sou, Sung, Taicang, etc. makes this pressing communication, in accordance with orders received.

H. E. Shen, the Superintendent of Trade for the Southern Ports has sent me an order to the following effect:— The Great Northern Telegraph Company having (without permission) put up telegraph posts on the land from Woosung right up to Shanghai, orders were sent in August and September 1874. to the Taotai to press the Consul to prohibit it. A communication has subsequently been received from the Board of Foreign Affairs, and the Taotai was again ordered to act accordingly.

Several years have now elapsed, and the Spanish Consul has not yet removed the telegraph posts

which

which is unreasonable delay.

The Taotai is ordered, accordingly, to press the Klamish Consul to pull up and remove the telegraph posts quickly, and report in reply.

On receipt of the preceding, it behooves me to make this communication to the Honorable Consul, and request that you would, in accordance therewith, order the Telegraph Company to pull up and remove the telegraph posts with haste, and still await your reply so that I may report on the matter.

Sure translation

(Signed) Long Kwow Chee

Despatch No. 401.
Enclosure 2.

Mr. Seward to Mr. Stahel.
No. 111. Peking, February 7th, 1878.
Sir:—

I have learned from the Russian Minister, who is charged with the care of Danish interests, that the Chinese Authorities at your Port demand the removal of the Great Northern Telegraph Company's wires between Woosung and Shanghai.

The Woosung-Shanghai Telegraph was constructed several years ago, to connect the Company's sea cable with their office at Shanghai. Objections were raised by the Chinese Authorities at the time, but it ceased upon representations made to them, that the poles stood on foreign owned ground (that of the Woosung Road Company, over which the railway was afterward constructed); that the line was of much utility and concern to foreigners; was used by their own Government, etc. etc.

It is understood that the Railway Company are selling their property, made

no

no reservation of privileges in favor of the Telegraph Company.

The Danish Company in responding to the demand made upon him, seems to have rested his argument upon the fact that the Chinese Government informed the Danish Minister, General Raasloff, in 1875, that they would request their provincial officers to protect the lines of the Company. It would appear, however, that this intimation had reference to the Company's cables, which alone were the subject of discussion.

My colleagues and I, in considering this matter at the request of the Russian Minister, have not failed to take a lively interest in it. The given telegraph forms, with its connection, the only line which unites the great port of Shanghai, with South China, Japan, and Western countries generally. Refusal to allow the wires to be carried over the given route, between Shanghai & Woosung, would seem to imply refusal to

allow

allow it to be carried over any other route between the same places, and to condemn the Company to put down a cable in the river which, owing to the shallowness of the stream, and its constant use by vessels of all kinds, would be subject to frequent interruptions. It is not known that the Danish Company has failed to deal liberally with any interest, or that any political objections to its operations have been raised.

You are authorized therefore to consult about the matter with your Colleagues, whenever called upon by your Colleague, the Danish Consul, with a view to preserve the status quo of the line until the questions involved can be disposed of in the course of negotiations which will be undertaken doubtless by those charged with the care of Danish interests.

I am, &c

(Signed) George F. Seward

File No. 76

Mr Rapson

No. 402. One Enclosure.

DEPARTMENT OF STATE
APR 19 1878
RECEIVED

United States Legation

Peking, February 9th, 1878.

FOREIGN RELATIONS 78

Copies for Tariff Rules.

George F. Seward to

the Secretary of State

Subject.

The Harbor and River at Shanghai.

Synopsis.

The Foreign Office has communicated to the Diplomatic Corps the Rules for the Harbor. A question as to forms has been raised by the latter, and is still under consideration.

Mr. Seward proposes that all available data in regard to the

Woosung

Woosung Bar, etc. be sent to engineers at home for an opinion. This also under consideration.

No. 402. One Enclosure.

United States Legation.

Peking, February 9th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

On the 19th ultimo December last, I had the honor to address a letter to you in regard to a representation made by the Shanghai Chamber of Commerce, that the harbor at Shanghai, and the approaches to it, are deteriorating, partly in consequence of natural causes, and partly of the encroachments made by building wharves, depositing ballast in the streams, etc.; and expressing my opinion that

that the subject deserved careful attention, and can best be dealt with by establishing a system of harbor control, and by securing the appointment of an engineer, to whom shall be committed the larger question of river conservation.

In pursuance of the views then expressed, I drafted a code of rules for the harbor, and submitted them to my colleagues, by whom they were accepted, and who agreed that it would be wiser to ask the Inspector General of Customs to place them before the Government, than to do so ourselves. My draft, and details

details of my action, as indicated, were reported to you, in my despatch, number 374, dated December 29th ult.

On the 31st ultimo, the Foreign Office communicated to the members of the Diplomatic Body, the rules as agreed upon, with a despatch setting forth the fact that they had been proposed by Mr. Hart, and asking the Foreign Ministers "to instruct their Consuls to "observe them." I enclose 1/402. a copy of this communication.

Yesterday my Colleagues met to consider the answer which should be made to the Foreign Office, and, somewhat to my

surprise

surprise, the point was raised that the letter of the Foreign Office is objectionable, since it evinces a disposition to deal with the matter as if by right of sovereignty, and to ignore the fact that the rules can be made of binding force only by the conjoint action of the Government, and the several members of the Diplomatic Corps. It was pointed out, in particular, that the form of preamble adopted by the Diplomatic Body was omitted from the rules, and that this was significant, since it contained an indication that the rules must be a joint issue.

I say that this was a matter of surprise to me, for, while I recognize the fact that the rules can be given full effect to, only with the " assistance of the foreign " Authorities, there is, as I think, no reason to believe that the preamble was intentionally omitted, and, on the other hand, the fact remains that the Foreign Office, has " communicated the rules to us, and requested us to give them sanction, by transmitting them with appropriate instructions, to the Consuls at Shanghai.

It may be said, moreover, that the Government may, of

right

right, expect the cooperation of of the foreign Authorities in such matters, and would have just cause of complaint against them, in case of their refusal.

After considerable discussion, in which I urged that it was desirable to act with care, lest the whole business should fail, the subject was left open for further consideration.

I need not say that I shall be much disappointed, if, after so fair a beginning, the measures demanded from Shanghai, shall not be accomplished.

I have not lost sight

of

of the larger question, that of the conservation and improvement of the approaches to Shanghai. I had hoped that it might be possible to procure the appointment of an engineer to examine the Woosung bar, etc., but I find that I cannot commit Her Majesty's Government to undertake so large an expenditure, out of funds at his disposal, and that it is not likely that the Foreign Office can be prevailed upon to make a special appropriation for the purpose. Under these circumstances, I have been compelled to fall back upon a proposal to submit reports,

heretofore

heretofore made upon the bar and river, showing a wide range of opinion, to the best authorities in England and elsewhere, for a statement of their views and conclusions.

The proposition was brought, by me, before my colleagues, at our meeting of yesterday, but it did not appear to meet their approval, chiefly, as I judge, because it seemed to them, an inadequate step. I could not but remark, however, that no other proposal was advanced. I shall urge it again at our next meeting.

I have the honor to be,

Sir,

Sir,

Your obedient servant.

George F. Seward

4

Enclosure.

1. Prince Kung to Mr. Seward 8/1878. January 31st, 1878.

Despatch No. 402.
Enclosure.

8/1878.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication.

Upon the 9th January 1878, a letter was received from Sir. H. Inspector General Hart, setting forth that, of the various Treaty Ports, Shanghai is by far the most important, both as being the point of collection of the merchants and people of all nations, the place at which merchandise of all classes, whether for export or import, concentrates, and where ships from all parts of the world congregate, and to and from which they come and go continuously.

The Hwang Pu river, upon which Shanghai is situated, is not a large stream. Hitherto, jetties and other works have been constructed at all points along the banks of the river opposite the city and in the foreign concessions. The channel, because

of

of its being narrowed in this way, and also by reason of earth, sand, and stone being discharged into it, has, by degrees, become shallower. The effect thus already produced is not light. In order that, in the future, the harbor may not further deteriorate, some satisfactory plan of conservation should be devised.

By the determination of a plan, to which those concerned may conform, and the establishment of regulations, to be observed by the merchants and people, can the protection of the Harbor, alone be permanent, then the desired end be attained. If the depositing of stone, sand and earth, within the harbor limits can be prohibited for the future; and if limits can be fixed upon both banks of the River, within which it shall not be allowable to build jetties, and similar works, it would seem that the protection of the River against further deterioration from

from these causes would be secured.

The protection of the Harbor, in all its branches, should be committed to the Harbor Master, by virtue of his office. But in committing it to him, as it affects the interests of both Chinese and foreigners, the modus operandi should first be communicated to the Chinese local Authorities, and the Consular Authorities, in order that, no difficulties may be met by the Harbor Master, in carrying the project into execution, and in order that, where joint action is necessary such joint action may be had. Hence it seems best to communicate in advance the Regulations which ought to be observed in this business, in order that provision may be made against difficulties which otherwise might arise at the moment of putting them into operation.

A

A draft of seven rules was forwarded with Mr. Hart's communication.

I have the honor to observe that the several points presented by Insp. Inspector General Hart, have for their object the conservation of the Harbor, a matter of great interest to merchants and people. It becomes my duty to forward to Y. E. a copy of the proposed Regulations, and to request that you will instruct your Consuls at the several Ports (sic) to observe them, and that you will favor me with an early reply.

H. E. George F. Seward.
&c. &c. &c. &c

Peking, January 31st. 1878.

Enclosure.

For the seven Regulations, see Mr. Seward to Mr. Evarts, No. 371. December 29. 1877.

Wood + W Payson

Ack + approve

No. 403. Three Enclosures. attended to -

United States Legation,

Peking, February 11th, 1878.

George C. Seward to

the Secretary of State.

Subject.

The Consular Agency at Chefoo, and the Marshalship at Tientsin.

Synopsis.

Transmits copies of correspondence with the Consul at Tientsin.

Mr. Seward, having inquired whether a Marshall at the full salary allowed, is needed at Tientsin, and whether the allowances for a Constable and rent

of

of Court Room at Chefoo may not be discontinued, the Consul responds that no expense for a Marshal will be incurred at present, but thinks that the allowances at Chefoo should be continued. Mr. Seward differs in opinion upon the latter matter, and submits it for the decision of the Department.

No. 403. Three Enclosures.

United States Legation

Peking, February 11th, 1878.

Honorable William M. Evarts,

Secretary of State.

Sir:—

In the month of October last, I addressed a despatch to the Consul at Tientsin, number 35, asking whether allowances made to the Consular Agency at Chefoo might not be discontinued, and whether a Marshal, at the full salary allowed by law, is needed at his own post. 1/403

The Consul responded to this letter under date of January 2nd, and his despatch, having been 2/403.

sent

sent via Shanghai, has only
now come to hand.

3/403 I have written again to
the Consul, approving his decision
& put the Government to no
expense for a Marshal at
present, but stating my
conclusion that the allowances
at Chefoo may be withdrawn.

I submit the matter
for your decision, and may
remark in doing so, that there
need be no anxiety lest the
office at Chefoo will become
vacant, in case of the withdrawal
of the allowances which I
recommend.

I have the honor to be,
Sir,
Your

Your obedient servant.

Geo. F. Seward

Enclosures.

1. Mr. Seward to Mr. Henny.
No. 35. October 24th, 1877.
2. Mr. Henny in response.
No. 4. January 2nd, 1878.
3. Mr. Seward to Mr. Henny
No. 40. February 7th, 1878.

Despatch No. 493.
Enclosure 1.

Mr. Seward to Mr. Penny.
No. 35. October 24th, 1879.

Sir:

During my recent visit to Chefoo, I could not fail to observe that the requirements of the Consular Agency at that port have been greatly affected by the withdrawal of the steamers of the Shanghai Steam Navigation Company, and that it becomes questionable whether the allowances made to your office for the salary of a Constable at that port, and for rent of a Court Room, need to be continued.

I have also remarked that the Marshal at your port appears to have little or nothing to do, and that, as you have an Interpreter at the full salary of $2,000, the Marshal may perhaps, be transferred to a port where the allowance for cost of interpretations, or a lower salary, is provided.

I will you please, therefore, report

To

to me through the Consulate General, whether the allowances heretofore made at Chefoo may not be discontinued, and whether you can dispense with the services of the Marshal. In the latter case, an allowance for the hire of a constable might be made to you if necessary, and it is desirable for you to report what sums, if any, should be allowed to you for this purpose.

I am, &c.

(Signed) George F. Seward.

Despatch No. 403.
Enclosure 2.

No. 4.

United States Consulate,
Tientsin, January 2nd, 1878.

Hon. G. F. Seward,
U. S. Minister
Peking.

Sir:

Your despatch of Oct. 24th last, containing suggestions relative to the Consular Agency at Chefoo, and this Consulate, was duly received.

While it is true that there is a great amount of business to be performed at that Agency, at the same time the allowance is proportionally small for the duties performed and those expected to be performed. The allowance at present is $300. for Constable or clerk hire, and $150. for rent of Court Room, and the fees received will amount to, perhaps, sixty or seventy dollars a year more, making in all about $520. per annum. If the allowance were any less, I am of the opinion that it would be impossible to procure the services of suitable persons

to

to transact what business there is to do.
To say nothing about the commercial
business transacted at Chefoo during the
year, there are a number of missionaries
residing there who have had important
suits decided at that Agency, requiring
much care and time in trying them,
and it is not at all improbable that suits
of a like character will have to be tried
there in the future. If it is important
that the Agency should continue, the
allowance seems small enough.

In regard to the abolishment
of the office of Marshal at this port, I
trust it will not be done at present.
As you are aware, this is a very a
important Consulate, it being the point
of export and import for all the trade
of North China, which, necessarily is
very large, and although at present there
is no American shipping or commerce
of importance at this port, there is liable
to be any season, in which event it is
very necessary that this Consulate
should have the services of a Marshal

until

until the services of that officer are needed. I will not draw any salary for one; and, if, at the expiration of this year, it should appear probable that his services will not be needed, I will then recommend that the office be abolished.

I am, Sir,

Your obedient servant

(Signed) C. K. Fleming

Consul.

Despatch No. 403.
Enclosure 3.

Mr. Seward to Mr. Hennessy.
No. 40. February 7th, 1878.
Sir:—

I have to day received your despatch, number 4.

Your proposal not to put the Government to any expense for a Marshal at present, and to await further experience before deciding to advise the discontinuance of the office, has my approval.

In my opinion, the allowances made to the Chefoo Consular Agency may be discontinued. Since the withdrawal of the vessels of the P. & O. Company we have very few ships resorting there. The Consular Agent has no judicial authority, and consequently no occasion for a Court Room. On the rare occasions when he may be called upon to effect the arrest of deserters, he can, doubtless, avail of the services of the Municipal Policemen.

Please be so good as to advise

the

the Consular Agent, that I think he will do well to incur no expenses for the rent of a Court Room and for the pay of a Constable after the 31st of March, until the Department of State has passed upon the matter.

I am, &c

(Signed) George F. Seward

File Pet 7/6 McPherson

No. 404. One Enclosure.

United States Legation.

APR 19 1878

Peking, February 13th, 1878.

George F. Seward. to

the Secretary of State.

Subject.

The Mint question.

Synopsis.

Refers to previous despatches, and forwards a letter received from the Shanghai Chamber of Commerce, thanking the Ministers of Treaty Powers for their course, and expressing regret at lack of success.

1

No. 404. One Enclosure.

United States Legation.

Peking, February 13th, 1878.

Honorable William M. Evarts,

Secretary of State.

Sir:—

Reverting to my despatches, numbers 237 and 378, covering a Memorial addressed by the Shanghai General Chamber of Commerce to the Ministers of Treaty Powers, in regard to the question of currency and the establishment of a Mint in China, and reciting the course of certain correspondence had with the Foreign Office upon the subject, I now have the honor to hand to

You

1/404 I have a copy of a letter from
Mr. F. B. Forbes to Mr. de Butzow,
the Doyen of the Diplomatic
Corps, conveying the thanks of
the Chamber to the Ministers, for
their action, and expressing
regret at the lack of success.

I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Seward

Enclosure.

1, Copy of a letter from Mr. F. B.
Forbes to H. E. E. de Butzow.
Shanghai, January 18th, 1878.

Despatch No. 404.
Enclosure.

Copy.

Shanghai General Chamber of Commerce
Shanghai, January 18th, 1878.

Sir:—

I have the honor to acknowledge the receipt of Your Excellency's letter of 29th Dec., and to thank you for having communicated to the Chamber, the despatch from the Prince of Kung and the Ministers of the Yamen of Foreign Affairs, on the question of currency and the establishment of a Mint in China.

While acknowledging the courtesy of the Ministers of Treaty Powers in their reception of the suggestion of this Chamber, the Chamber greatly regrets that the trouble, which Their Excellencies have taken in the matter, should have been followed by no better result than that evinced by the Yamen's despatch, and that the

H. E. E. de Bulgar, Esquire
H. B. M. Minister, etc. etc.
Peking.

the Chinese Government should have so far mistaken the bearing of the question, as to suppose that the adoption of a standard of value and the issue of a current coin of the realm, would be sacrifices on the part of China for the exclusive benefit of the foreigners who trade with the country.

I have the honor to be,
Your Excellency's
most obedient servant.
(Signed) F. B. Forbes
Vice Chairman

M Payson

Mr. Copy to P. M. G. asking his attention to the matter.

No. 405.

United States Legation.

RECEIVED OF APR 19 1878 DEPT.

attended to answered May 21.

Peking, February 13th, 1878.

George F. Seward to the Secretary of State.

Subject.

Transmission of U. S. mail to North China.

Synopsis.

Recites certain irregularities in the arrival of mail matter, and asks if the Department approves that the attention of the Postmaster General be called to them, with a view to their correction.

No. 405.

United States Legation,

Peking, February 13th, 1878.

Honorable William M. Evarts,

Sir:—

I have the honor to call your attention to the fact that, since the Postal Treaty of Berne went into operation, a growing irregularity has become manifest in the delivery of mail matter from the United States addressed to different points in North China.

Prior to the execution of that instrument, the higher rates of postage charged over the European mail routes, practically confined all our mail matter to the route

via

via San Francisco, Japan, and Shanghai, which, I hardly need say, is much the most direct, and the shortest in point of time, and which, so long as the semi-monthly service is maintained, affords a fair degree of facilities for the transmission of correspondence.

But, since the Treaty named above has taken effect, a very considerable proportion of North China mail matter is evidently sent, from the distributing center at New York, to Europe, and, after much delay, finds it way to us by either the British, French, or Russian mail routes, the last named bringing by far the largest

quantity

quantity. This is especially unfortunate, as the service from St Petersburg hither is, formerly the entire distance, performed by couriers on horseback, coming via Siberia and Mongolia, and, as a necessary consequence, serious delays arise in the receipt of our correspondence, letters being from twenty to sixty days, and newspapers being from two to four months longer in reaching us than would have been the case, had they come by way of San Francisco. We are, indeed, constantly receiving, by the Russian route, mail matter which is plainly marked "via San Francisco."

I beg leave to bring this matter to your notice, and to request that, in case it should seem, in your opinion, desirable, you will place it before the Postmaster General.

As all or nearly all correspondence for China is distributed from New York, it would seem that an instruction given to the Postmaster in that city to send all mail, for China, via San Francisco, excepting in cases where the address indicates a European route, would be sufficient to meet the requirements of the case.

I have the honor to be,

Sir,

Your

Your obedient servant.

Geo. F. Swain

Given to press April 22. 1878 Adams

Not an interesting letter attended to-

No. 406.

United States Legation

Peking, February 14th, 1878.

George F. Seward to

the Secretary of State.

Subject.

Translation of "Woolsey's Introduction to International Law" into Chinese.

Synopsis.

Reports the publication of this work by Mr. W. A. P. Martin, and dwells upon the services rendered by that gentleman to the cause of progress in China.

No. 406.

United States Legation,
Peking, February 14th, 1878.

Honorable William M. Evarts.
Secretary of State.

Sir:—

Some 13 years ago, Mr. W. A. P. Martin, at present the President of the Ting Wen Kwan, a college of languages and science, established in this city under the direction and at the expense of the Chinese Government, published, under the auspices of the Imperial Board of Foreign Affairs, a Chinese translation of "Wheaton's Elements of International Law." That work has gained a wide circulation

circulation both in this Empire and in Japan, and has done much good service in modifying the ideas of the statesmen of these two countries upon the subject in which it is an authority.

Since the issue of that work, Mr. Martin has given further and most valuable aid to the cause of progress in the East, in the publication of other works upon international and civil law. A translation of the "Guide Diplomatique" of de Martens has been published under his direction, a set of Regulations for Chinese Diplomatic and Consular Officers has been prepared, in which he rendered

aid

aid to a large extent; a considerable part of the French Code has been put into Chinese, and a version of "Bluntschli's "Völkerrecht", is now in course of preparation. In addition to these labors, he has, with the assistance of some of his pupils, translated "Woolsey's Introduction "to International Law", which has recently been issued from a printing establishment, owned by the Chinese Government, and located in this city.

The volume is prefaced by short introductory articles prepared by Hsia Chia Kao, a Minister of the Foreign Office, and Vice President of the Court of

Transmission

Transmission, and by Mehen Lan Pin, Chinese Minister to the United States, Spain, and Peru. It is intended, both for use as a text book in the Tung Wen College, and generally among Chinese officials, and in this latter sphere, at least, will, perhaps, be of more practical value, than a larger and more exhaustive treatise.

Mr. Martin's recognized ability as a scholar in the written language of China, second to no foreigner in the Empire, is sufficient guarantee for the faithfulness of this translation.

It is good cause for congratulation, that our distinguished countryman is

not

not only able to aid the cause of progress here, by his labors in the institution over which he presides, but, in addition thereto, has placed at the disposal of Chinese officials and students the results of the labors of eminent publicists in Western lands.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

W. H. Seward

Telegram

Peking February 16. 1878.

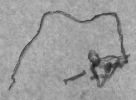
Evarts

Washington. D.C.

Shall report from Shanghai shortly upon Bradford case.

Seward.

Recd Dept State
March 5. 1878.



Read May 7.
Mink.

file

No. 407

DEPARTMENT OF STATE
MAY
3
1878
RECEIVED

United States Legation.
Peking, February 16th, 1878.

George F. Seward to
the Secretary of State.

Subject.

Mr. Bradford's case.

Synopsis.

Mr. Seward has heretofore abstained from making an inquiry into the merits of this matter, but as Mr. Wells appears to have left China without completing the business, Mr. Seward will visit Shanghai, for the purpose, at the opening of navigation.

No. 407.

United States Legation.

Peking, February 16th, 1878.

Honorable William M. Evarts,

Secretary of State.

Sir:

I was in Shanghai, as you are aware, in November last, when Mr. Bradford was arraigned by Mr. Wells for the embezzlement of public monies. As Mr. Wells was proceeding judicially, and as he had not completed his statement of the case before I was obliged to leave Shanghai, I avoided any action which might seem to be an interference with his course, and, beyond having received

received his positive and a repeated statement that Mr. Bradford had been guilty of manifest speculations, I learned but little of the matter. I did not think it expedient to see Mr. Bradford. Mr. Wells undertook, however, to transmit to me, when prepared, the "bill of particulars" of Mr. Bradford's alleged offences, and the latter's response to them.

I have not received either of these papers, and I doubt whether they have been prepared. As Mr. Wells has left Shanghai, as I must believe, without having completed the case, and as Mr. Bradford is in confinement, it has seemed to me that I ought to go to Shanghai,

in

in order to examine into the business, and to take such action as justice may require. I shall do this, leaving here immediately after navigation opens.

In order that you may be advised, at the earliest possible moment, of my intentions, I am to day sending you, via Russia, a telegram in the following words:—

"Shall report from Shanghai shortly upon Bradford's case."

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward.

File

No. 408.

United States Legation,
Peking, February 18th, 1878.

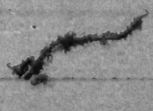
George F. Seward to
the Secretary of State.

Subject.

Calls at the Chinese New Year.

Synopsis.

In accordance with the usage here, the members of the Diplomatic Body proceeded, upon the 11th instant to the Foreign Office, to pay their New Year congratulations.



No. 408.

United States Legation.

Peking, February 18th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to inform you that, in accordance with the custom established at this Capital, the Members of the Diplomatic Body proceeded to the Foreign Office upon the 11th instant, to offer to Prince Kung, the Ministers of the Foreign Office, and the heads of the various Boards and Departments, their congratulations at the recurrence of the Chinese New Year.

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A large number of the high officials of this Government were present, and an hour was pleasantly passed in informal conversation.

The heads of all the Legations in Peking were present with the exception of the German Minister.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

File

Confidential.

No. 409.

United States Legation.
Peking, February 18th, 1878.

George F. Seward to
the Secretary of State.

Subject.

The German Minister and Prince Kung.
Social Intercourse.

Synopsis.

The German Minister intimated a desire to call upon Prince Kung at his residence, but the latter excused himself from receiving the visit, and stated that he should be obliged to do so hereafter.

Confidential.

No. 409.

United States Legation.

Peking, February 18th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:

I had the honor to send to you, with my despatch, number 255., of 21st May last, extracts from a correspondence which had passed between Mr. von Brandt and the Ministers of the Foreign Office, in regard to social intercourse between the foreign Representatives and the Ministers. You will remember that the Prince and his associates expressed their readiness to receive Mr. von Brandt's visits at their houses, whenever their engagements

engagements would permit.

At the moment, Mr. von Brandt appeared to have gained a certain advantage for himself and his colleagues, although proceeding alone and without the support, or, for that matter, the knowledge of his colleagues.

Lately, acting as before, upon his own motion, Mr. von Brandt appears to have intimated to the Ministers of the Foreign Office that he proposed paying a visit to the Prince. These responded that they would inform the Prince of this intimation, and return his answer. This was done a few days later, the Prince declaring that it could not be otherwise

than

than pleasant for him, personally, to meet Mr. von Brandt, but that he was closely observed by other members of his family, and must ask to be excused. It was further intimated that excuses would necessarily be made on future occasions of the sort. The matter rests so.

For whatever reason, Mr. von Brandt declined to see the Prince and the Ministers, when they made their usual round of New Year visits, and he was absent from the Foreign Office, when his colleagues went there to pay their respects in return.

I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Seward

McPherson

Add. Copy to Treasury.

No. 410.

attended to - Yo.

United States Legation.

Peking, February 19th, 1878.

George F. Seward to

the Secretary of State.

Subject.

The Trade Dollar.

Synopsis.

The proposal of the Secretary of the Treasury to discontinue coining the Trade Dollar. Mr. Seward sees no reason why this should not be done.

No. 410.

United States Legation,

Peking, February 19th, 1878.

Honorable William M. Evarts,

Secretary of State,

Sir:—

I have the honor to refer to that part of the Secretary of the Treasury's late report to Congress in which he deals with coinage matters, and states, in particular, that, in case the Government issues silver dollars for currency at home, it will be well to discontinue the issue of the Trade Dollar, and to say that I see no reason why this should not be done.

The Trade Dollar has not become

become current in China to any considerable extent, saving in the extreme south, where the commercial classes would readily accept any other dollar issued by us. It is, moreover, true that the overweight of the Trade Dollar, as compared with the Mexican, has not, as I believe, had the effect anticipated. They have cost more in consequence, and this may have had the effect of keeping them out of the market.

It was in view of this consideration, that I wrote to the Department, about a year since, as follows:— "The additional cost "of the Trade Dollar is, in my "opinion, just so much of a load

which

"which it must carry in its
"competition with the Mexican.
"It might be as well, if we were
"to coin again the old silver
"dollar of 412½ grains, to give
"up the Trade Dollar altogether."

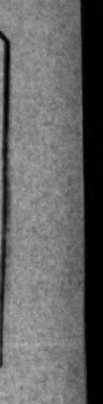
I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Seward

File 1st yl

McLyeon

No 411. Four Enclosures.

United States Legation,
Peking, February 23rd, 1878.



Copies for Mr. Rehm.

George F. Seward to
the Secretary of State.

Subject.

The Rules for the Harbor at Shanghai.

Synopsis.

The Foreign Office having withdrawn the note transmitting the Rules, to which objection was taken, and substituted a satisfactory note, Mr. Seward has expressed his approval of the Rules, and sent them, with instructions to the Consulate General. Mr. Seward has prepared

for

for his colleagues, a memorandum on the larger question of River Conservation, a copy of which he encloses.

No. 411. Four Enclosures.

United States Legation.

Peking, February 23rd, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I informed you, on the 9th, instant, that the Foreign Office had sent to the several foreign Representatives, the Shanghai Harbor Rules, and that objections had been made, on the part of the latter, that the note transmitting them was not in a desirable form. After much discussion among the foreign Representatives, the senior Minister placed the

matter

matter before the Foreign Office, and the Ministers agreed to withdraw the earlier notes, and substitute others which would be satisfactory. They did this at once, and I hand

1/411. to you herewith a memorandum by Mr. Holcombe, showing the change effected in this way.

I have already announced

2/411. to the Foreign Office my approval of the Rules. I presume that my Colleagues have done the same, or will do so at an early moment.

I have also prepared an instruction for the Vice-Consul General, a copy of which I

3/411. enclose.

The question in regard

to the Harbor Rules having been thus disposed of, I have prepared and submitted to my colleagues a memorandum on the subject of River Conservation, a copy of which I enclose. 4/411.

It will receive, as I hope, early consideration, but I cannot yet venture an opinion as to the conclusions which will be taken.

I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Seward

Enclosures.

1. Memorandum by Mr. Holcombe.
2. Mr. Seward to Prince Kung 11/1878. February 22nd 11, 1878.
3. Mr. Seward to Mr. Stahel No. 113. February 23rd 11, 1878

4.

4. Memorandum on River Conservation, by Hon. Seward.

Despatch No. 411.
Enclosure 1.

Harbor Rules for Shanghai.

Memorandum of changes made by Prince Kung in his despatch of January 31st, 1878, submitting the Rules to the Diplomatic Body.

A. In the last sentence of the covering despatch, after the words, "and I request that," the clause "if they meet your approval," is inserted.

B. The Preamble to the Rules was omitted, both from the original and the amended despatches.

Chester Holcombe

Peking, February 23rd, 1878.

Despatch No. 411.
Inclosure 2.

11/1878.

Mr. Seward to Prince Kung.

Peking, February 22nd, 1878.

I have had the honor to receive
Y.I. H.s letter of January 31st,
transmitting to me a code of
proposed "Rules for the conservation
of the Harbor at Shanghai."

These rules have my perfect
approval, and I will instruct the
Consul General to afford the
Harbor Master cordial support in
giving effect to them.

I have, etc.,

(Signed) George F. Seward

Despatch No. 411.
Enclosure 3.

Mr. Seward to Mr. Stahel.
No. 113. Peking, February 23rd, 1878.

Sir:

The enclosed Rules for the 1/113
care of the Harbor at Your Port, having been proposed to the Foreign Representatives by the Foreign Office, have received my approval. I have to request, therefore, that you will give to the Harbor Master cordial support in carrying them into effect.

As the rules will be notified by the Inspector General of Customs, there does not seem to be occasion for you to publish them.

The question of the conservation of the River and the improvement of the Bar is likely, as I hope, to be taken up at an early moment. It is one in which, from my long experience at Shanghai, I feel especial interest, and which I shall not willingly let drop.

You may communicate a copy

copy of this note, to the Chairman of the Chamber of Commerce, requesting him however, to consider that it is not open for publication.

I am etc.

(Signed) George F. Seward

Despatch No. 411.
Enclosure 4.

Memorandum.

The Chairman of the Chamber of Commerce of Shanghai in the letter addressed to the foreign Ministers, on the 7th of August last, said:—

"Responsibility
"to adopt the necessary measures for the
"preservation and improvement of the
"approaches to this Port, is imposed upon
"the Chinese Government, not only by
"a due regard for the interests of the
"country generally, but also by its
"implied obligations under the Treaties
"with foreign Powers."

He said also, speaking of the Bar at Woosung:—

"This question is
"one among many concerning the
"waterways of Shanghai, the determination
"of which properly devolves upon
"special functionaries to be appointed
"by the Chinese Government, whose
"business it would be to decide upon
"and provide the most efficient means

of

"of protecting the navigable channels of
"the Port, and maintaining free
"access to it for vessels of all draughts."

And further:—

"I am to express
"the earnest hope of the Chamber, that
"the Diplomatic Body will take
"advantage of every opportunity to
"impress upon the Tsung li Yamen the
"importance of organizing without delay,
"a Board of Conservators."

It may be presumed that the Chamber meant to indicate to the Foreign Representatives that the "special functionaries" mentioned in the second extract from the letter, should be under the orders of the Board of Conservators, which Board should be invested with a general concern in and control of all matters pertaining to "the most efficient means of "protecting the navigable channels of "the Port."

It is likely that the Chamber had

had in view the constitution of a Board in which foreign officers would take a part, say members of the Consular Body. It would seem, however, unlikely that the Chinese Government would be at all willing to consent to this. They are not only jealous of their proper rights, but are becoming sensitive to any proposal which may in any degree seem to invade or trench upon them. It is probable that the Consular Body could, as such, in the usual course of its functions, exercise as much influence as would be appropriate, or, at least, acceptable to the Chinese.

A Board of Conservation constituted of native officers only would certainly not prove satisfactory.

It might be possible, however, to establish a Board consisting of native officers and of foreigners in the Chinese service.

Granting

Granting that this would be as satisfactory a solution of the question as could be secured, it would seem that it would be somewhat difficult to approach the Government with the proposition. It is one which appears simple enough to foreigners, but it would involve the issue of orders to the provincial authorities of a novel sort, it would look to the expenditure of money, and, altogether, would be likely to fail.

But, be even if successful, it could only be so upon the basis of a very positive recognition of the status of the native officers upon the Board, and this would give to the element which is least likely to recognize the need of grappling with the business in a serious way, the preponderating influence. The Board, so constituted, might almost be expected to defeat the purpose for which it was created.

created.

Looking to the considerations thus advanced, it has seemed to me that the business may be approached in another way. A representation could be addressed to the Government on the subject of the danger which is arising to their Port, and the request made for the appointment of an Engineer to examine into the matter. This Engineer could be placed under the orders of the Inspector General of Customs. Associated with the Intendant of Circuit, and the Commissioner of Customs, a Board could be constituted which would answer, practically, to the recommendation of the Chamber of Commerce. It would be one, moreover, in which the foreign, and not the native, element would prevail. It would be open to receive the advice of the Consular Body, or the

Chamber

Chamber of Commerce. It would report to the Government, as is desirable, through the Inspector General, on the one side, and the Provincial Authorities on the other.

If the effort to secure the appointment of an Engineer should fail, a step might perhaps be taken by requesting the Government to consider whether it would not be well to take the opinions of the best European Engineers on the general subject of the condition of the River, and the occasion for measures of conservation, or improvement.

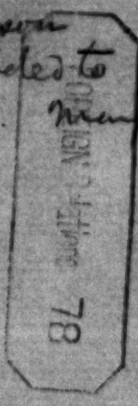
I submit the foregoing suggestions, as a basis for a discussion of the business, and with the belief that nothing can be accomplished, excepting in the usual course of quiet diplomatic representation. We are not in position to make any demands, and are not likely to be so authorized by our Governments.

(Signed) George F. Seward

Peking. February 23rd, 1878.

A. Let the suggestion be complied with. 5/6

No. 412. One Enclosure.



Mr Seward attended to May 10

United States Legation.
Peking, March 4th, 1878.

George F. Seward to
the Secretary of State.

Subject.

River conservation, etc. at Shanghai.

Copied for Mr Pekin.

Synopsis.

Transmits a copy of a note addressed by Mr. Seward to Mr. Stahel showing the result of a discussion by the members of the Diplomatic Body, of Mr. Seward's Memorandum of Feb. 23d. Mr. Seward has asked Mr. Stahel to send to the Department a copy of a very full

and

and interesting report on the condition of the approaches to Shanghai by Dutch engineers, and asks that they be submitted to a competent Government Engineer with a request for information whether the situation is such as to call for an earnest representation of the matter to this Government, to the end that steps may be taken to prevent further injury to the port. If such shall prove to be the fact, Mr. Seward would be glad to receive instructions to act with his colleagues in placing the matter before this Government.

No. 412. One Enclosure.

United States Legation.

Peking, March 4th, 1878.

Honorable William M. Evarts.

Secretary of State

Sir:—

Recurring to the representation made by the Chamber of Commerce at Shanghai in August of last year to the Foreign Ministers resident at this Capital, in regard to the dangers which are threatening the port of Shanghai, in consequence of changes which are taking place in the approaches to the port, and at the port, and to my despatches, numbered 364. 371. 402. and 411., I have now to hand you a copy of a despatch, 1/412.

which

which I am addressing to the Consulate General.

Upon perusal of this letter, you will observe that it gives to Mr. Stahel the result reached by the Diplomatic Body in our discussion of the Memorandum, dated February 23rd/4, which I transmitted to you in my last-mentioned despatch. This was an agreement, in effect, to request the Consuls at Shanghai to report further on the matter of the condition of the approaches to to Shanghai, after consultation with the Harbor Master, and to send to the respective Governments data in regard to the same matter, with a request that these

be

be submitted to competent engineers for their opinions on the question whether the apprehensions felt at Shanghai have a real basis.

I have instructed Mr. Stabel in the sense of this agreement, asking him, at the same time, to transmit to you the report made by certain Dutch engineers to the Consular Body about two years ago. This report with charts and other papers available to the Navy Department, or such other Department as the matter may be referred to, will enable the officers chosen for the duty to give an intelligent opinion upon the question submitted.

I

I trust that you will be disposed to make the necessary reference of the matter. The subject is one of great importance to commercial interests in this part of the world, and I imagine that the engineers consulted will find no difficulty in declaring that the situation calls for the prompt attention of this Government.

I trust also that, in such case, you will instruct me to proceed, with my colleagues to place the matter in its proper light before this Government.

I have the honor to be,

Sir,

Your obedient servant

Geo. F. Seward

Enclosure.

Enclosure.

1. Mr. Seward to Mr. Stahel.

No. 115. March 4th, 1878.

Despatch No. 412.
Enclosure.

Mr. Seward to Mr. Stahel.
No. 115. March 4th, 1878.

Sir:-

I beg leave to hand to you herewith a Memorandum which I submitted to my colleagues a few days since. It has reference to the letter transmitted to the several foreign Representatives here, on the 7th of last August by the Chairman of the Chamber of Commerce at your port. Those parts of the letter which relate more particularly to the condition of the Harbor proper having already received attention, I advanced the Memorandum in order to bring forward the questions regarding the approaches to Shanghai, raised by the Chamber.

Since placing the Memorandum in the hands of my colleagues, I have discussed with them the situation at Shanghai, and I have agreed to the following propositions:-

1st. That the Consuls shall be reminded of the tenor of the VII Rule of the Code of Harbor Regulations recently sent to you, and requested to concert measures with the

the Harbor Master, looking to a representation to the High Authorities here, of the danger that is threatening the port in consequence of the deterioration of the approaches to it.

2nd. To transmit to our several Governments all available data in regard to the approaches to the port, in order that they may be submitted for the opinion of competent engineers, with a view to determine whether the condition of the river is such as to call for a vigorous representation to this Government.

I beg leave, therefore to ask you to place yourself in communication with your colleagues for the purpose indicated under the first head. I may say to you, however, that I doubt whether any action can be taken in this way, which will add much weight to the very full representations heretofore sent up, and that, while expecting that you will give to the subject your best attention, I shall be satisfied if I receive from you a statement, that, after consultation with your colleagues and

the

the Harbor Master, you agree in the opinion advanced by the Chamber of Commerce that there is danger "that "the narrowing and shallowing of the "River is tending to render Shanghai "inaccessible from the sea", that the questions involved properly concern this Government, and that it should appoint "special functionaries whose business "it would be to decide upon and provide "the most efficient means of protecting the "navigable channels of the port, and of "maintaining free access to it for vessels "of all draughts."

I have to ask you also to procure and transmit to the Department, making reference in doing so to the number of this despatch, a copy of Messrs Escher and de Rykes "Report upon the Woosung Bar" published at the North China Herald Office in 1876. Various charts and documents are referred to in this report. I do not think it necessary to forward any of these, but I shall be obliged if you will examine the Register of

my

my correspondence from Shanghai with the State Department, and give the numbers of all despatches which deal with questions of River conservation, the Bar, &c. If however, an examination of these despatches and of the subject generally leads you to think that any charts or papers necessary to an intelligent examination of it are available to you which may not be available at Washington, please be so good as to forward such.

I am, etc.

(Signed) George F. Seward

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No. 413.

United States Legation.

Peking. March 6th, 1878.

George F. Seward to

the Secretary of State.

Subject.

The currency question.

Synopsis.

Mr. Seward has prepared a Memorandum on the subject to be submitted to his Colleagues, and has directed Mr. Stahel to transmit a printed copy to the Department. The German Minister has also prepared a paper dealing with the question, a copy of which will be sent

so

so soon as it can be procured.

No. 413.

United States Legation.

Peking, March 6th, 1878.

Honorable William M. Evarts

Secretary of State.

Sir:—

Referring to previous despatches on the subject of the currency of China, the establishment of a Mint, etc. I have now the honor to inform you that I have prepared a Memorandum describing the existing currency, pointing out its evils, and the steps which may, in my opinion, be taken to improve matters, so far as foreigners are directly affected. I have submitted it to my colleagues, and have transmitted

transmitted a copy to the Vice Consul General at Shanghai, requesting him to have it printed for circulation among our Consuls in China. I have also instructed him to transmit six copies to you.

The German Minister has prepared a paper on the same subject, which has also been submitted to the members of the Diplomatic Body. Under these circumstances, it is possible to hope that serious attention will be given to the business. A copy of Mr. von Brandt's paper will be sent to the Department, so soon as one can be procured or made.

I

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Ack. May 25.

Ack. May 25. 1st Bureau

No. 414. Three Enclosures.

United States Legation,

Peking, March 8th, 1878.

George F. Seward to

the Secretary of State.

Subject.

The Chefoo Convention.

Synopsis.

Transmits a Memorial presented to Earl Derby, by the Earl of Shaftesbury and others, urging the ratification of the Chefoo Convention. Commends that part of it which deals with the opium question, points out a mistaken view held by the Memorialists

Memorialists in regard to other parts of the Convention, indicates that England should consult the other Powers concerned, expresses doubt as to the probability of this, and indicates the line which may be pursued, in case the Convention shall be ratified.

No. 414. Three Enclosures.

United States Legation

Peking, March 8th, 1878.

Honorable William M. Evarts,

Secretary of State.

Sir:

I have heretofore informed the Department that the English Government has referred the Chefoo Convention to the Indian Government, and stated that the object of this reference is to secure an opinion upon the clause which affects opium. (See my despatch, number 362.)

I have now the honor to hand to you a Memorial which has been presented to the Earl of Derby by the Earl of Shaftesbury, the Archbishop

No. 414.

Archbishop of Canterbury, and many other distinguished and influential persons, urging, more particularly, that the ratification of the Convention should not be refused because of any objections which may be raised to the arrangement regarding opium proposed in it.

While it is likely that the Memorialists have not studied the history of the opium trade, and the statements advanced by them may be taken exception to, as not in all respects accurate, it is creditable to their sense of right, that they should have put on record this earnest expression of their opinion that it will be

well

well for England to take a course which will, as far as possible, remove from her the stigma of a traffic which is essentially immoral. It cannot be doubted that the views thus expressed will have great weight. Faulty and unsatisfactory as I believe the Convention to be, I could not regard it with disfavor, as a whole, if it should make clear to China the fact that the great power which is concerned in opium will not allow self interest to unduly influence her policy.

But when the Unionists come to deal with other parts of the Convention they are not equally fortunate. They confess that:—

"the other clauses refer to a variety

of

"of complicated circumstances which
"require (sic) special and local
"knowledge", and while not
attempting "to pass any opinions
"upon their merits" they do, in fact
urge that the Convention should
be ratified + + because
it is "a contract in the nature
"of a compromise, in which each
"party makes certain concessions to
"the other", and "the Chinese
"Government has already
"discharged, loyally and in good
"faith those portions which it
"devolved upon them to execute."

In examining, however, the
statement made by the Memorialists
of the things done by the Chinese
in execution of the Convention, we

find

find nothing which has been done in pursuance of a compromise or an exchange of considerations. "The proclamations have been posted," but these were issued as a part of the reparation due to England for the murder of Mr. Margary, and the attack on the party to which he was attached. "The four new treaty ports have been opened", but by the terms of the Convention they were to be opened unconditionally, irrespective of the approval by England of the Convention generally, or any part of it, and without awaiting even information of the views of England. They were to be opened perhaps as much because certain Chinese interests demanded the step, as for any

any other reasons." The Indemnity
"of 200.000 taels has been paid," but
this was exacted "on account of
"the families of the officers and
"others killed in Yunnan; on
"account of the expenses which
"the Yunnan case has occasioned;
"and on account of claims of
"British merchants, arising out
"of the (wrongful) action of officers
"of the Chinese Government."

On the other hand, the British
Minister committed himself only
to "move his Government" in
favor of the proposals regarding
opium and Lekin taxes. Under
these circumstances, the statement
that "if ratification be refused
"by the British Government, we

are

"are seriously of opinion that the
"refusal would wear, in Chinese
"eyes, and not in theirs alone, the
"appearance of bad faith" is seen
to be an assumption which has
no real basis.

You will notice that
the clause of the Convention which
refers to the opening of the new
ports, and the Likin on foreign
goods (Section III. Part 1st.) does make
the opening of the ports conditional
upon the approval of the Likin
stipulation. But you will further
notice that a later clause (Section
III. Part 6th.) provides for the
unconditional opening of the
ports. I have every reason to believe
that the latter clause was added

by

by Sir Thomas Wade, because I pointed out to him that, under his previous arrangement, it became very doubtful, indeed, whether the ports would be opened. In this connection, I beg leave to refer you
" to my despatch, number 134.

So far as I know, it is to the clauses of the Convention which refer to Lekin taxes that objections are most seriously taken, and it is to be said further in regard to this question that the arrangement effected last summer between the German Minister and this "
Government (see my despatch, "
number 296) provides for its "
discussion by the foreign "
representatives generally if they

shall

shall so elect. England is in position therefore to take part in the farther consideration of the matter, and to hold her conclusions upon this part of the Convention in abeyance, pending the result.

In point of fact, the Lekin question concerns all Powers represented here. It involves the construction of a most important portion of all the Treaties, and the welfare of trading interests. While it may be assumed that no Power will be less indisposed than England to deal ingenerously with China, the community of interests which exists here, and the traditional deference shown by the Powers toward each other in their treatment of Eastern

questions

questions, demand that England should withhold her conclusions until the situation has been fully and fairly discussed.

I do not feel at all sure, however, that she will do so. It is formally announced that Sir Thomas Wade, who is still at home on leave, is to return to China. It is possible that he may be sent back with instructions to take part in the conferences regarding Lekin taxes, but it is more probable, as I think, that his return implies that the Convention will be ratified as it stands.

If England shall ratify the Convention, assenting thus to the indiscriminate taxation

of

of the goods imported by her people, wherever these may be found not covered by transit passes, it will become difficult for the other Powers to make vigorous effort to sustain different views of the meaning of the Treaties. It will be possible, however, for them to insist that their views cannot be passed by inconsiderately, and to seek to make the situation as little unsatisfactory as possible, by securing a clear definition of the meaning and intent of the transit pass clauses of the Treaties. Their labors would thus become more difficult, but it may be hoped that a more or less satisfactory result

result might still be obtained.

In this connection, I beg leave
3/4114 to hand to you also, a copy of a
Memorial addressed to the Earl of
Derby by the Chamber of Commerce
3/4114 of Bradford, and another by the
London Committee of the Shanghai
Chamber of Commerce. You will
find both of these interesting and
valuable.

I have the honor to be
Sir,
Your obedient servant.
Geo. F. Seward.

Enclosures.

1. Memorial of Earl Shaftesbury and others.
2. " " Bradford Chamber of Commerce
3. " " London Committee of the
Shanghai Chamber of Commerce.

Despatch No. 414.

Inclosure 1.

The North-China Daily News.

SHANGHAI, JANUARY 30, 1878.

THE CHEFOO CONVENTION.

MEMORIAL TO THE EARL OF DERBY IN FAVOUR OF RATIFICATION.

To the RIGHT HONOURABLE THE EARL OF DERBY, P.C., *Her Majesty's Principal Secretary of State for Foreign Affairs, &c., &c.*

MY LORD,—We understand from the correspondence presented to Parliament in August last, that the Convention concluded at Chefoo with the Chinese Government still awaits ratification, and that it has been referred to the Government of India for their opinion. From the nature and contents of the Convention, it is clear that the Indian Government, if it opposes the ratification, will do so on account of the proposed arrangement in regard to opium, stated in Clause 3 of Section III. Our object is to urge upon your Lordship that ratification should not be withheld on this account, but, on the contrary, that this clause should be carried into effect under any circumstances. Our reasons will be best given in a brief review of the relations of the British and Chinese Governments to the opium trade.

In India the opium trade is carried on by the Government as a source of revenue. In China, until 1860, the importation and use of opium were alike illegal.

After our first war with China, which was intimately connected with this illegal traffic in opium, the treaty signed at Nanking in 1842 made no provision for the suppression of the trade. Sir Henry Pottinger proposed to the Chinese to legalise it, but the Emperor refused. Six millions of dollars were exacted from the Chinese as compensation for opium which they had confiscated and destroyed.

After the second Chinese war Lord Elgin inserted a clause in the tariff of the Treaty of Tientsin, which obliged China to admit our opium at a low rate of duty.

In 1869 the Chinese Government made an earnest appeal to our Government that this obligation to admit opium should be removed. They alleged that it is notorious that opium is "most injurious" to China, and that the officials and people of China generally "believe that England supported the opium trade in order to work out China's ruin." This appeal was disregarded; but in the Convention agreed upon by Sir Rutherford Alcock, the duty on opium was raised from 30 to 50 taels per chest.

Her Majesty's Government, in deference to the opinions of the Chambers of Commerce, refused to ratify this Convention. We cannot but express our regret that, while Great Britain has twice imposed treaties upon China by force of arms, the only Convention between the two countries which was the result of peaceful negotiations, was thus summarily cast aside.

At present the Treaty of Tientsin is in force. Your Lordship is aware that by that treaty China is not allowed to exclude Indian opium, and that the import duty was fixed upon the basis of about 5 per cent.; but that opium is dealt with in the tariff as an exceptional commodity. The British merchant cannot carry it into the country, he may only sell it in the port. When once imported, the Chinese Government are under no restrictions as to their dealing with it, whether in the way of taxation or otherwise.

The clause in the Chefoo Convention which is now under consideration is as follows:—

3.—On opium, Sir Thomas Wade will move his Government to sanction an arrangement different from that affecting other imports British merchants, when opium is brought into port, will be obliged to have it taken cognisance of by the Customs, and deposited in bond, either in a warehouse or a receiving hulk, until such time as there is a sale for it. The importer will then pay the tariff duty upon it, and the purchasers the *lekin*; in order to the prevention of the evasion of the duty, the amount of *lekin* to be collected will be decided by the different provincial governments, according to the circumstances of each.

The value of this clause to the Chinese Government consists in its facilitating the collection of the *lekin* upon opium, by the prevention of that local evasion of this duty which has been so fruitful a source of complaint at the open ports. This fact alone in our judgment justifies and necessitates the new arrangement proposed by Sir Thomas Wade.

The other clauses of the Convention refer to a variety of complicated circumstances which require special and local knowledge. We do not pass any opinion upon their merits, but beg to draw your Lordship's attention to an important consideration. It is plain upon examination that the Convention is a contract of the nature of a compromise (we are glad to see that by his Excellency the Chinese Envoy, it is styled an "equitable compromise"), in which each party makes certain concessions to the other. The Chinese Government has already discharged loyally and in good faith those portions of the Convention which it devolved upon them to execute forthwith; the proclamations have been posted, the four new treaty ports have been opened, and the indemnity of 200,000 taels has been paid. The provisions of the Convention are so far accomplished facts. What remains is for the British Government on their side to fulfil the obligations undertaken for them by their plenipotentiary. Seeing that at the time of negotiation the British Minister Plenipotentiary distinctly required that the agreement should be dealt with "as a whole," if, after the Chinese Government has fulfilled its part of the contract, ratification should be refused by the British Government, we are seriously of opinion that the refusal would wear in Chinese eyes, and not in theirs alone, the appearance of bad faith.

We would respectfully remind your Lordship that at a time when so many countries are establishing tariffs which jeopardise our commercial interests, the Chinese Government shows perfect willingness to carry out in its relations with us a very liberal fiscal policy. English manufactures are admitted into China on payment of import duly calculated at about 5 per cent., and an additional transit duty of 2½ per cent. frees the goods to all parts of the interior, as against about 50 per cent. which is levied here as import duty on Chinese tea. The present fiscal demands of the two Governments on opium will not bear comparison. The British Government say in effect to the Chinese, you shall admit our opium at an insignificant rate of duty, which, with the addition of the *lekin*, only yields you about 1,000,000*l.* sterling per annum, though the necessities of our Indian Exchequer oblige us to exact as our share in the traffic over 6,000,000*l.* sterling, or about 70 per cent. of the value of the trade. Under these circumstances we submit that it would be unreasonable and unjust to refuse to China the ratification of the clause relating to opium in the Chefoo Convention. We are not forgetful of the pressing needs of the Indian Exchequer, but refuse to believe the necessity of doing injustice to China in order to augment Indian revenue.

In conclusion, we base our argument upon the broadest principles of international equity. We do not all of us take precisely the same view of the past history of British relations with China, nor do we all entertain exactly the same expectations of the future conduct of the Chinese Government. But China has now taken her place in the comity of nations, and we are unanimous in earnestly desiring that for the future she should receive from Great Britain fair and equitable treatment, such as will bind the two nations together in peaceful relations, and promote the interests of both.—We have the honour to be, your Lordship's obedient servants,

Signed by the Earl of Shaftesbury; the Archbishop of Canterbury and nine Bishops; Cardinal Manning; the Duke of Westminster, the Earl of Aberdeen, Lords Ebury, Dynevor, Lawrence, ex-Viceroy of India, Cavan, and Radstock; Sir R. Lush and Sir E. Fry, Judges of the High Court; Sir John Kennaway, the Right Honorary Russell Gurney, Mr. Mark Stewart, Mr. Joseph W. Peace, Alderman Mc Arthur, Mr. S. Morley, Sir T. Bazley, the Hon. Evelyn Ashley, Mr. E. Noel, Mr. S. D Waddy, Q.C., Mr. A. J. Mundella, Sir T Chambers, Sir W. Lawson, Mr. L. Courtney Mr. George Anderson, Mr. Abel Smith, Mr J. M. Holt, and thirty other Members of Parliament; the Lord Mayor, and the Mayors o Birmingham and eight other towns; the Dean of Westminster and Chester, the Revs. Mark Pattison, Dr. Vaughan, Canon Lightfoot Canon Liddon, Canon Farrar, Messrs. Herbert Spencer, Thomas Hughes, Q.C., John Morley Arthur Arnold, Frederic Harrison, Edward Miall, Dr. Congreve, Dr. B. W. Richardson Dr. Risdon Bennett; Dr. Rolleston, Professors H. J. Smith, T. Fowler, Dr. Legge, and twenty tutors and Fellows of Oxford; Dr Westcott, Dr. Perowne, Dr. Swainson, Professors Sale, Cowell, and Stuart, of Cambridge Professors Leone Levi, S. Amos, F. W. Newman, Robertson, Clifford and Beesly, of London; Principal Caird, Professors Ramsay, E Caird, Lee, Veitch, McKendrick and Gairdner, of Glasgow; Revs. C. H. Spurgeon Morley Punshon, Newman Hall, Dr. James Martineau, Dr. Bonar, Thain Davidson, D Allon, Dr. Rule, Dr. Rigg, Dr. Landels, S. I Bergne, H. Wright, Dr. Mullens, Dr. Bullock Dr. Duff, W. Arthur; Reiss Bros., J. Dugdale and Bros., Stewart Thomson and Co., Samuel Smith (of James Finlay and Co.), Donald Matheson, Thomas Hanbury, A. Howell, A Illingworth, Sir Harry Verney, Bart., Sir G Trevelyan, Bart., Sir F. Lycett, Sir Benson Maxwell, Sir G. B. Pechell, Bart., General Sir Arthur Cotton, R. Alexander, D. Russell R. Shaw; Douglas Fox, Samuel Gurney Froome Talfourd, Dr. Ker, Dr. J. H. Gladstone, &c., &c., 350 signatures in all.

Foreign Office, 16th November, 1877.

MY LORD,—I am directed by the Earl of Derby to acknowledge the receipt of the memorial referred to in your letter of the 9th inst., in which the memorialists state their reasons for urging the ratification by her Majesty's Government of the agreement concluded by Sir Thomas Wade with the Chinese Government at Chefoo, on the 13th of September, 1876, and I am to state that the memorial shall receive due consideration by her Majesty's Government.

TENTERDEN.

The Earl of Shaftesbury, K.G., &c., &

Despatch No. 414,
Enclosure 2,

The
North-China Daily News.

SHANGHAI, JANUARY 18, 1878.

THE BRADFORD CHAMBER ON THE CHEFOO CONVENTION.

The following memorial has been addressed to Earl Derby by the Bradford Chamber of Commerce:—

Bradford Chamber of Commerce,
November 23rd, 1877.

My Lord,—The Convention signed on Sept. 13th, 1876, at Chefoo, by Her Majesty's Representative and the Chinese Plenipotentiary not having been officially communicated to the Chambers of Commerce, the Council did not hitherto consider themselves called upon to express an opinion on a document which, if it should be ratified, would have an important bearing upon the trade of this district.

Having, however, been informed that your Lordship has been urged by parties, many of whom are not immediately interested in trade, to ratify the Chefoo Convention as it stands, this Council consider it their duty to state their reasons for desiring a careful reconsideration of several parts of the Third Section before Her Majesty's Government sanction the said Convention.

It is with peculiar satisfaction that they observe the agreement for opening new ports on the Yangtsze river, a measure which they ventured to recommend in a memorial of November, 1869, and they only regret that the extension of such privilege to Chung-king is made contingent upon the place being reached by steamers, which is supposed to be feasible by the removal of the existing impediments to navigation between Ichang and that metropolis of Szechuen, provided the Chinese Government be willing to offer facilities for the necessary works.

To make Chung-king a port for the residence of foreigners would open out one of the largest and richest provinces of China to British trade.

This Council therefore trust that your Lordship may yet succeed in adding this city to the number of ports open to trade, and in making it a Consular district.

The main objections to the ratification of the Chefoo Convention in its present state are, in the opinion of this Council, the apparent contradictions in the terms of Articles 1 and 4, Section III, and the substitution of a very objectionable, because dubious, clause for the clear declaration contained in the 28th Article of the Treaty of Tientsin, which provides—

"That on payment of a single charge in discharge of all transit duties, a certificate shall be issued, which shall exempt the goods *from all further charges whatsoever*."

If, notwithstanding this clear provision, the mandarins in some parts of the Empire have continued to levy a varying and altogether arbitrary tax known as *lekin*, this Council consider it important that a clause be agreed upon which shall be drawn in such definite terms that it will be impossible to leave room for equivocation or misunderstanding.

The 4th Article of Section III of the said Convention appears to provide for that desideratum by stating "that so far as imports are concerned *the nationality of the persons possessing and carrying these imports is immaterial*, but in the 1st Article of the same Section words are introduced which may be interpreted to mean the contrary, and to give permission to any local magistrate to impose whatever tax he likes upon British goods the moment they have passed beyond the limits of the treaty ports or become the property of natives.

There cannot be a doubt that such apparently contradictory terms will be frequently taken advantage of by astute Chinese officials, and that instead of facilitating trade by one uniform system of taxation, a most vexatious distinction will be introduced, and disputes and difficulties, which hitherto have been too frequent, would be perpetuated.

This Council, therefore, beg to call your Lordship's attention to the necessity of altering those objectionable parts of the 1st and 4th Articles in Section III, so as to leave no doubt as to the intention of the high contracting Powers, and that it be clearly declared,

"That imported goods shall be liable to no other duty at the Treaty ports than to the regular import duty, and that the certificate of the payment of the commuted transit dues shall free them of all further inland charges, taxes, or *lekin* whatsoever;" and,

"That the nationality of the person possessing or carrying such certified goods be immaterial."

I have the honour to be, my Lord, your obedient servant,

(Signed) JACOB BEHRENS,
President and Chairman of the Joint Tariff Committee of Yorkshire Chambers of Commerce.

Despatch No. 414.
Enclosure 3.

The Celestial Empire.
February 7th, 1878.

MEMORIAL TO LORD DERBY ON THE CHEFOO CONVENTION.

We subjoin the full text of the Memorial from the London Representatives of the Shanghai Chamber of Commerce to the Earl of Derby, with reference to the Chefoo Convention :—

MY LORD,

1. With reference to the conversation we had recently with your Lordship respecting the Chefoo Convention, we have now the honour to place before you, in a more formal shape, the views which we believe to be entertained by the Mercantile Communities of China on the subject. The letter from the Shanghai Chamber of Commerce, already submitted to your Lordship, disposes of most of the points raised in the

Agreement; but since it was written an important explanatory memorandum by his Excellency Sir Thomas Wade, together with a voluminous correspondence, has been presented to Parliament.

2. A careful perusal of these papers leads us to the conclusion that they do not, in any material respect, detract from the significance of the comments which are made in the above-named letter, while, in one very important particular, they give new force to the objections which the Chamber ventured to urge, namely, in its bearing on the Yunnan Outrage.

3. We need scarcely say that the Shanghai Chamber, feeling this to be a matter of Imperial concern, only indirectly affecting the interests of trade, deemed that it would, in any case, be safe in the hands of Her Majesty's Government, and therefore passed the subject over with little remark.

4. This view was in harmony with the fact, as shown by the published Blue-books, that your Lordship, in the despatches transmitted to Peking more than once cautioned his Excellency Sir Thomas Wade against committing the country to a settlement until the terms to be agreed upon had been submitted for the approval of Her Majesty's Government; though, for reasons which he sets forth in his despatches, his Excellency, in the event, took upon himself the responsibility of bringing the negotiations to a close without reference home.

5. Taking this circumstance into consideration, and bearing in mind that as the settlement arrived at involves the question of the sanctity of the lives of our countrymen in China, and thus goes to the root of all commercial as well as official relations in Eastern countries, we trust that your Lordship will not consider it to be one altogether beyond the province of the representatives of our trading interests in China.

6. In that country, it must be remembered, we are but a handful of men, sojourning among a people, friendly it is true in themselves, but at the mercy of treacherously disposed officials; and our great security is to be found in our *prestige*—in other words, the full conviction on the part of the Chinese that "no one can harm us with impunity." The charm of this cheap, but effective protection, has been sadly dissipated of late years, the last great shock it received being the Tientsin massacre of 1870, the instigators of which, who were well known officials, escaped, not only punishment, but even trial.

7. The Yunnan affair makes matters in this direction still worse in some important respects. For a time, indeed, it appeared as if the tragedy would afford an opportunity of, to some extent, restoring our *prestige*. After many months' negotiations, an English officer was despatched to the scene of the crime to investigate the affair. So far, however, as getting at the criminals was concerned, the Grosvenor Mission proved a fiasco; and, indeed, the published correspondence shows that its failure was almost a foregone conclusion in his Excellency Sir Thomas Wade's mind before the Mission was despatched.

8. The fact that the real criminal, of whose identity his Excellency Sir Thomas Wade had no doubt, Tsên-Yu-Yang, Acting Governor of Yunnan, was appointed to the Commission, was enough in itself to show that we were being trifled with. The stale trick of palming off as the guilty parties a number of *miserables* who had no concern in the murder did not, however, deceive the Hon. Mr. Grosvenor, who returned from Yunnan at once baffled and disgusted.

9. It is to be noted that four times at least, and probably oftener, during the negotiations, his Excellency Sir Thomas Wade threatened to have Tsên brought up for trial, but the threat was never carried out. The Chinese Government were very much alarmed for a few days, while under apprehension of the withdrawal of the British Legation, and would probably have brought Tsen up for trial, or done anything else absolutely necessary to avert unpleasant consequences.

10. Instead, however, of maintaining the position he had thus taken up, his Excellency waived the whole of his demands concerning the trial of the criminals, and concluded the Chefoo Convention.

11. This Agreement disposes of the Yunnan affair by stipulating for certain facilities for travelling and trading in the Yunnan province, a money compensation for Mr. Margary's family, a letter of regret from the Imperial Government of China, and a memorial to the Throne from the Grand Secretary, Li-Hung-Chang, explaining the settlement of the Margary outrage. Very great importance was attached to this latter document, the draft of which was submitted to his Excellency Sir Thomas Wade before presentation or publication.

12. This Memorial is now printed in the Blue-book, page 67; and it seems strange that his Excellency should have allowed a document containing such a perversion of the facts to appear with his imprimatur. The pretended trial and sentence of the savages, denounced by his Excellency Sir Thomas Wade as a most impudent attempt to play with us, is here solemnly detailed; and the guilt of these ignorant people said to be established to the satisfaction of Chinese law, while our Minister is represented as interceding for them and staying the execution on the following fanciful grounds:—

I. That the evidence against the men was not so complete as would procure a conviction at the Old Bailey.

II. Because Western civilisation teaches that security for the future is better than punishment for the past.

13. Thus the British Minister is made to vouch before the Chinese nation and the world for statements which he had previously stigmatised as falsehoods.

14. If, nevertheless, it is thought that a point has been gained by the precedent which has been established for holding investigations by English officers on the spot where offences have been committed, it must at the same time be borne in mind that if such investigations be attended with so little inconvenience to the guilty parties as the present one, they will cause no great terror to Chinese official criminals. Proclamation and exploring facilities have doubtless their value; but they can weigh littld against the actual facts of the present settlement.

15. Thus the issue of the negotiations is fraught with peril in the future alike to the security of British subjects in China and to the friendly relations between the two Governments. The Chinese, have, as it were, seen our last diplomatic reserves called out, even to the threat of war, and nothing more serious happen to them than their having to pay a small pecuniary indemnity which they would probably have paid two years ago without any special pressure.

16. It may, it is true, have been impossible—though this is not shown—to bring the criminal to trial. But, if such was the case, it might have been more politic, had it been practicable, to suppress the record of the futile demands made.

17. But it appears that it would in all likelihood have proved possible to have the actual criminal punished, as may be gathered from his Excellency Sir Thomas Wade's despatch, at page 34 Blue-book, China, No. 4, 1876.

18. His Excellency Sir Thomas Wade says that in China it is not safe to postpone the solution of a difficulty, and the force of this proposition in its general bearing cannot be denied. But in the present intstance it seem clear that whatever risk there might be in keeping the question open, it rested entirely on the Chinese Government; and in a case where there could be no doubt as to the side on which the right lay, it is, we venture to suggest, quite conceivable that in certain circumstances an open grievance might not have been entirely without diplomatic value for ourselves.

19. Your Lordship will observe that the section of the Convention which deals with international jurisprudence has been passed over somewhat lightly by the Shanghai Chamber; and I may be permitted to explain that this is not because the subject fails to be recognised as one of great practical importance, but because it requires comprehensive treatment by trained lawyers; and cannot even be discussed to advantage without having all the data thoroughly sifted. The chief gain from the introduction of the subject into the Convention is the recognition, now, we believe, for the first time accorded to Her Majesty's Supreme Court for China and Japan.

20. Passing to the purely commercial portion of the Convention, the Shanghai Chamber (as noted in their letter) heartily approve the concession of new trading ports, two on the Great River and two on the coast. This is looked upon as a step in the right direction, and is doubly welcome as some modification of the dictum of Lord Russell that the the fewer open ports we had the better. The Shanghai Chamber would, however, go still further, and would urge the desirability of the whole of China being thrown open for the establishment of trading points, wherever it may be found worth while for the Chinese Government to place a Custom House, and the European Governments, Consular Stations.

21. The point upon which the Committee are most anxious to bring their views before your Lordship is the stipulations affecting the collection of inland duties. The Shanghai Chamber in their letter, notice at some length the manner in which this subject has been treated in the previous prolonged discussions which have arisen with regard to it.

22. The wording of clause 28 of the Treaty of Tientsin which refers to it, provides in clear and specific language that *British subjects* may convey imported goods to any part of the interior of China on payment of a commuted Transit Duty amounting to half the Tariff Duty, which commutation is to "exempt the goods *from all further inland charges whatsoever.*"

23. A "rule," however, which was appended to the tariff some months after it was signed, tends to complicate and needlessly to limit the due operation of this provision, and the faithlessness of the Chinese officials has to a large extent rendered it a dead letter.

24. It was found by experience to have

opportunity could be taken to urge the Chinese Government to establish a Mint for coining dollars, with adequate guarantees for the maintenance of the standard adopted.

47. Upon the Conservancy of the Rivers, especially the Wangpoo, we have the honour to address a separate letter to your Lordship, enclosing one received from the Shanghai Chamber. It would probably not be difficult to induce the Chinese to move in this matter; and the admirable manner in which they have accomplished the task of lighting the coast proves that they are fully capable of performing such duties, when they are once brought to feel that they are incumbent upon them.

48. In conclusion, we trust we may be permitted to say that, though objecting to specific parts of the Chefoo Convention the Shanghai Chamber of Commerce fully recognise the zeal and talent displayed by his Excellency Sir Thomas Wade in furthering our trading interests in China. They cannot, however, but be conscious of the extremely difficult circumstances under which he negotiated, not only on account of the grave international question which he endeavoured to settle simultaneously with the commercial portion of the Convention, but also from the oblique form in which the Representatives of the Chinese Government thought it advisable alone to deal with the comparatively simple question of the inland duties.

We have the honour to be, my Lord, your Lordship's most obedient humble servants,

A. MICHIE,
E. D. BARNES,
Members of the London Committee representing the Shanghai Chamber of Commerce.

Sent to press
Given to press
may 6. 1878
A.A. Adee

File

No. 415. One Enclosure.

DEPARTMENT OF STATE
MAY 3
1878
RECEIVED

United States Legation.
Peking, March 9th, 1878.

George F. Seward to
the Secretary of State.

Subject.

Steamship line to Peru.

Synopsis.

Transmits an extract from a Hongkong newspaper, in regard to the line recently established by an American house from that port to Callao.

No. 415. One Enclosure.

United States Legation,

Peking, March 9th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to hand to you herewith an article, taken from the Hongkong Daily Press, reporting the opening of a line of steamships from that port to Callao. 1/415.

Its promoters and agents are our countrymen, Messrs Olyphant and Company, and the objects in view are fully developed in the enclosure, as they have been in earlier despatches of mine to the Department.

I

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Enclosure.

1. Extract from the "Hongkong "Daily Press."

Despatch No. 415
Enclosure

The North-China Daily News.

SHANGHAI, JANUARY 22, 1878.

EMIGRATION TO PERU.

(Daily Press.)

The China and Peru mail service was formally commenced yesterday, by the departure from this port of the Belgian steamer *Perusia*, the first of the new line. The primary object of the Company, however, is to promote emigration from China to Peru. For this purpose, indeed, the line has been subsidised by the Peruvian Government, and Messrs. Olyphant & Co., of this port, have undertaken the agency. The treaty concluded between Peru and China in June, 1874, provides for free and voluntary emigration of the people of either country, and the Peruvian Government has solemnly promised to repatriate gratuitously all Chinese immigrants who wish to return to their native country and have not the means of doing so. The Chinese will not be lured on board by any specious promises nor through the agency of designing natives; the emigration is to be conducted precisely as that to California and Australia is conducted, and no temptation in the shape of advances is to be held out to the Chinese. If they go they are to go as voluntary emigrants, the only inducement being the certainty of very remunerative employment on their arrival in Peru. The contract of the Company with the Peruvian Government provides for their bringing back a certain number of Chinese free every voyage, and, the communication being constant and regular, the Chinese in Peru will no longer be isolated and cut off from intercourse with their native country. All this sounds fair, straightforward, and above board, and that such is the intention of the highly respectable house which has undertaken the agency here we cannot for one moment doubt. Indeed, no suspicions would be entertained by any one of the emigration were it to any but a Spanish country. The accounts of the cruelties committed on Chinese coolies in Cuba and Peru are still fresh in men's minds, and they naturally regard both countries with suspicion. It is stated that strict inquiries have been made both by British and American representatives in Peru, and that they have expressed their conviction that the Government of that country is sincerely desirous to treat the Chinese equitably and kindly. But the best guarantee, to our mind, is that of self-interest. It is of the first importance to the Peruvians that they should have a good and regular supply of labour, and they have gone to vast expense, for them, to obtain it. They would be arrant fools if by their own acts they cut off this supply. It is felt by the Peruvians that the resort to Chinese labour is the only chance left to them. They have tried other labour markets and found that Peru could not compete with the United States, Canada, &c., as a field for emigration from Europe. A considerable proportion of the planters in Peru are English, Germans, and Americans, and on their estates there is little doubt of the Chinese being kindly treated. The

[illegible] Chinese residents in Peru, and a Chinese Consul will shortly proceed to Callao to look after the interests of his countrymen. Opportunities are to be afforded for the emigration of families, and as the steamers of the new line will run regularly, there ought to be no difficulty in the way of complaints by Chinese being heard, or in their obtaining return passages. The Chinese emigrant to Peru, we are told, is not allowed to sign any contract, and on his arrival in Callao is at perfect liberty to dispose of his labour to whom he chooses; he has simply to repay his passage to the company when he can, unless he has prepaid it himself or had it paid by his friends in China. If this is all faithfully carried out, there will be no reason to fear any renewal of the wholesale barbarities and cruelties which were formerly committed in Peru. As we said before, it is the interest of the people and Government of Peru to treat the Chinese kindly and equitably, otherwise this great source of labour supply will be permanently closed to them. Of one thing we feel quite sure, that Messrs. Olyphant & Co. will quickly withdraw from all connection with the scheme if good faith be not observed and abuses avoided.

Meantime, we understand, His Excellency the Governor has, pending instructions from the Colonial Office on the subject, forbidden such emigration to proceed from Hongkong. Mr. Hennessy has no power, we believe, to sanction it without reference home, however well persuaded he may be of the *bonâ fides* of the Peruvian Government on the question. Should the Home Government decline to allow this Colony to be made the port of departure for these emigrants, the emigration will probably be conducted from one of the coast ports, but the Agents would, we understand, greatly prefer that it should take place from Hongkong, where it can be carried on under the inspection of British officials. The *Perusia* is a fine steamer, admirably fitted up for the comfort of passengers, and so far as everything connected with the vessel is concerned full provision has been made for the Chinese *en route*. The only doubt is as to how they will be treated on arrival at Callao. The conduct of the Peruvians towards their Chinese *employés* will no doubt be narrowly watched by the foreign representatives in Peru, and the Chinese Government ought to make a duty of seeing that the provisions of the treaty are strictly fulfilled. Free emigration from China is eminently desirable, in view of the terrible famines now raging in that crowded Empire, but we do not want to hear of any recurrence of inhumanities that attended the employment of Chinese in Peru and Cuba in former days. The assurances offered by the Peruvians are such, however, that we believe the British Government will sanction the emigration of Chinese from this port to Callao.

file

Ltr + pc to Payson

No. 416.

United States Legation.
Peking, March 9th, 1878.

George F. Seward to
the Secretary of State.

Subject.

The Chinese Minister at Washington.

Synopsis.

This officer is still at Peking. It is reported that he will soon leave for America, but Mr. Seward has received no official notice of the fact, and will not be surprised if he does not go until information has been received of the ratification of the Spanish Treaty.

Rec.

Mr. Yung Wing, the associate, or second, Minister is in the United States. It is understood that there is no good feeling between the two Ministers. This may or may not result unfavorably for Mr. Yung Wing, for, while he is regarded with some suspicion here, his knowledge of Western countries, is held to be great, and gives him much strength.

No. 416.

United States Legation.

Peking, March 9th. 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I have inquired from time to time when Chen Lanpin, the Minister who is to represent China in the United States, Spain, and Peru, will leave for America, and have been told that he would go in the early spring. Of late, I learn, from unofficial sources, that he is expecting to start at an early day, but I have received no intimation to this effect from the Foreign Office. I shall not be

be surprised, in fact, if he remains here until it becomes known whether Spain will ratify the Treaty concluded last fall.

As you are doubtless aware, Hon. Yung Wing, who is in America in charge of the educational mission, is to be associated with Chew Sanpin. This, at least, was the original arrangement. It is known, however, that the two do not at all agree in their views. Knowing this, and that Hon. Yung Wing is regarded here with a degree of doubt because of his long residence abroad, and his well known affiliation with our people, I have been somewhat afraid

afraid that we should hear of his being passed over in the mission.

It is very true, however, that his acquaintance with foreign affairs gives him much strength with this Government, and that they would hesitate to lose the benefit of his services.

I have the honor to be,

Sir,

Your obedient servant.

George F. Seward.

Rec'd May 20

Mr Hanna
Mr Sayo on
Art. The currency
proposition, approved.

No. 417. Three Enclosures.

United States Legation.

Peking. March 9th, 1878.

George F. Seward to

the Secretary of State.

Subject.

Russell & Co. versus Shew Lanshan.

involving: Right of free examination of claims presented by our people against Chinese.

Synopsis

Transmits a despatch from the Consul at Hankow. It shows that the Intendant at that port has assumed to decide a case presented by our officer

officer without holding the open investigation required by the treaty and the first principles of justice. Mr. Seward does not pass at all upon the merits of the case, but will rigidly insist that orders be issued to the Intendant to hear the case in presence of the Consul.

No. 417. Three Enclosures.

United States Legation,

Peking, March 9th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:

I have the honor to hand to you herewith, a copy of a despatch which I have received from the Consul at Hankow. 1/417.

One officer, it appears, has presented to the Intendant at his post a claim advanced by Messrs. Russell & Company against a Chinese, named Shen Laoshan. The merits of the claim do not appear very clearly from the papers submitted, and I should have hesitated to advise

advise Mr. Shepard to bring it forward, if it had been submitted to me, in the first instance, on the documents now presented. However, the Consul did present the case, in writing, to the Intendant, whereupon the latter, after some correspondence, assumed to decide the matter against our countrymen. Mr. Shepard very properly objected that there had been no examination of the business, as provided in the treaties, and insisted that an open inquiry should be instituted in his presence. This the Intendant declined, and, later on, began proceedings against certain Chinese employees of Messrs. Russell & Company for conspiring to lead the person for whom Shen Laoshan became

became surety into the operation out of which the claim has grown, and in causing his death and that of another Chinese as the result of the unfortunate outturn of the adventure. This last feature of the business would render it desirable to insist upon the inquiry demanded by Mr. Shepard, if none other existed.

I am accordingly addressing a despatch to Prince Kung in this sense. I enclose a copy of it, 2/417.
and of a letter which I am 3/417.
sending to Mr. Shepard. You will see that I request him to send to the Department a transcript of the papers which accompanied his despatch.

I

I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Seward

Enclosures.

1. Mr. Shepard to Mr. Seward.
No. 17. January 26th, 1878.
2. Mr. Seward to Prince Kung
14/1878 March 4th, 1878.
3. Mr. Seward to Mr. Shepard.
No. 44. March 2nd, 1878.

Despatch No. 417.

Inclosure 1.

Copy.

Mr. Shepard to Mr. Seward.

No. 17. Hankow January 26th, 1878.

Sir:—

I have the honor herewith to forward you copies of an account with Chinese, copies of two Bonds one of them translated and also copies of a correspondence between His Excellency, the Taotai and myself, growing out of a claim of Messrs. Russell & Co. against a Chinese citizen. The matter seems to me a very important one, as the position of the local official nullifies, in effect, a treaty guaranty of prime value. The case, as a whole, will develop itself by the perusal of the correspondence seriatim, and I can scarcely conceive of one wherein joint investigation is more logically demanded. This of itself would be reason enough for insistence on the Treaty stipulation; but there are special considerations in this particular instance, that appear to demand the concession of the right of a joint investigation as a sine qua non. I submit some of the more

prominent

prominent.

1st. The wood was shipped against the advice of Russell & Co's compradore who plainly pointed out to the original owner that, owing to the state of affairs at Liuteine, loss would probably ensue.

2nd. A much larger quantity was offered for shipment, but was absolutely refused, for the reason above noted.

3rd. The claim of the Taotai that the merchandise should have been landed (delivered) before payment of charges and advances, would have been a relinquishment of security before satisfaction, and subversive of all commercial custom.

4th. The Taotai has presumed to adjudge and settle the claim on the ex parte testimony of one man, and he the one having the greatest inducement to testify partially. He has, therefore, no sufficient knowledge of the facts to render his presumption anything but but blameworthy, as a violation of all

just

just investigation. As to his call upon me to send the comprador to him for evidence, I have, in addition to my reasons given him for declining to do so, abundant evidence that his object was to intimidate them, while apparently examining them alone, with my sanction. They so believed, and feared his severity.

5th. He has, since my refusal, attempted to place the responsibility of the death of two men upon these compradores — one of whom had left R. & Co's employ — while he knew with absolute certainty that they had no interest in the business — and, they assert, never saw the second man.

6th. Since his assumed settlement of the case, he has arrested the two compradores and threatened them with extreme penalties if they do not make up the loss which the widow claims was incurred by the wood speculation. One was arrested by the assistance of H. B. M. Consul,

who

who handsomely offered me apology for the act, saying the Lastai trickily deceived him in the matter.

7th. The widow has been daily placarding large posters all about the city and vicinity, and wearing one on her person, making most villainous and false accusations against the two compradores, endeavoring to excite the vengeance of the people against them. A translation of this paper (made by a Customs official) is given, marked "K". The aggrieved parties believe it was fomented at the Yamen and their appeal to have the outrage stopped was not heeded until universal knowledge of the matter was unquestionable. They assert that the whole purpose was to force an abandonment of the case and of my appeal, to save them from official displeasure and punishment. In this view I am forced to give unwilling credence.

8th. The account of Russell & Co. is a very simple one. The debits are

for

for actual cash advances and costs and charges previously agreed to and at the established rates of the day. They had no interest in the business except that of shippers applied to, nor had their compradores. They repeatedly demanded payment of charges, with notification that the merchandise must be sold, if not taken in the proper way. They waited one year and a half before selling, although the B/L. authorized them to do so after a month. The memorial of the widow, (marked "B") must have been inspired by knowledge obtained from the Taotai's office that the case was in my hands. The testimony regarding the Bond, given in paper marked "C.C.C.", will be seen on comparison with the original Bond, marked "M.C." to be quite erroneous. This Bond was executed in the presence of the two compradores, as witnesses. The Taotai has endeavored to hold them responsible for the joint execution of the Bond, and reliable testimony has been offered me that

he

he exhibits the copy of the Bond sent him (see "D.") with their signs manual attached, in proof of the justice of his demands on them. When the copy left the Consulate, it had no such signs manual attached to their names, nor are they in the original. If they exist on this copy they are forgeries. His object in demanding the papers from me, as in paper marked "H. M.", may possibly explain itself by this fact.

Altogether, I trust your Excellency will see that my position is correct, and that it must be sustained. I am free to add that if it be not, and if this official cannot be made to recognise our treaty rights and privileges, then there is no further justice or respect to be anticipated for the American merchant or American officials. I might refer to similar obstructions to other national representatives; but that is not pertinent to the case I present. You will not understand me as prejudging the case of Russell & Co.,

I

It must stand upon its merits, when investigated. What I contend for is a joint, impartial, just and full examination, in order that no error shall be made in its decision. This seems to me my plain and unavoidable duty.

I am Sir,

Your obdt servant.

(Signed) Isaac F. Shepard,

U.S. Consul.

Despatch No. 417.
Enclosure 2.

Hon. Seward to Prince Kung.
14/1878. March 4th, 1878.

Sir:—

On the 28th of September last, the Consul at Hankow addressed a letter to the Intendant of Circuit, calling his attention to to a claim presented by Messrs. Russell & Company, American merchants at that port, against a Chinese, named Lin Yü fa. The Intendant, as it appears, made an informal inquiry into the matter, and, after some correspondence with the Consul, decided that the claim of Russell & Company is not valid.

Against this procedure, the Consul protests, urging that, under the provisions of the Treaties, Messrs. Russell & Company are entitled to appear before the Taotai with their witnesses, and that the latter officer, in the presence of the Consul, should then examine into the matter.

I entirely sustain Mr. Shepard's view, and beg leave to

ask

ask that orders be sent to the Laotai, directing him to hear the case in Mr. Shepard's presence.

I have, &c.

(Signed) George F. Seward

Despatch No. 417.
Enclosure 3.

Mr. Seward to Mr. Shepard.
No. 44. March 2nd, 1878.

Sir:-

I have received your despatch, No. 17, and the accompanying papers.

You have been entirely right, in my opinion, in demanding an open hearing of Messrs. Kinsella & Company's case by the Taotai, in your presence, and I shall at once endeavor to procure from the Foreign Office orders to their officer to grant such a hearing.

I may say to you that I am not entirely sure that I can succeed in doing this. In all the years of foreign intercourse with China, but little has been done to impress upon this Government the importance which western people attach to the open investigation of disputed cases, and, in point of fact, the questions of jurisdiction involved have not been settled. I shall spare no effort, however, to reach the result to which we are clearly entitled, and to have justice done.

Please

Please be so good as to send to the Department a transcript of the papers sent up with your despatch.

I am, &c.

(Signed) George F. Seward

Treas.

Mrs. reports to Library
Light house list to
Treasury July 5. 78
Mr. Polk

Mr Payson

No. 418.

United States Legation,
Peking, March 9th, 1878.

George F. Seward to
the Secretary of State.

Subject.

Forwards Customs Reports.

Synopsis

Forwards, under separate cover,
Medical Reports for half year
ended 30th September, 1877, and
"List of Chinese Light Houses, etc.
corrected to December 1st, 1877.

No. 418.

United States Legation.

Peking. March 9th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:

I have the honor to forward herewith, under separate cover, two copies of the "Medical Reports of the "Imperial Maritime Customs of "China," for the half year ended 30th September, 1877; and one copy of "List of Chinese Light Houses, "Light vessels, Buoys, and Beacons," corrected to 1st December, 1877.

I have the honor to be, Sir, Your obedient servant.

Geo. F. Seward

Ack'd May 25.

Wayson

No. 419.

United States Legation,
Peking, March 12th, 1878.

George F. Seward to
the Secretary of State.

Subject.

Mr. Inspector General Hart leaves Peking temporarily.

Synopsis.

Mr. Hart has started for Paris, where he will represent China at the Exposition. His place supplied by the Chief Secretary, Mr. Bredon, and the Chinese Secretary, Mr. Cartwright.

No. 419.

United States Legation.

Peking, March 2th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I have the honor to inform you that Mr. Robert Hart, Inspector General of Customs, left Peking a few days since, en route for Paris, where he will represent China as her chief Commissioner at the Exposition.

During his absence, the work of the Inspectorate General will be attended to by the Chief Secretary, Mr. Bredon,

and

and the Chinese Secretary, Mr. Cartwright.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Ack. May 25.

W. Payson

No. 420. One Enclosure.

United States Legation.

Peking, March 13th, 1878.

George F. Seward to

the Secretary of State.

Subject.

The early departure of the Mission to the United States.

Synopsis.

The Minister likely to reach America in May. The Foreign Office have submitted to Mr. Seward his Letter of Credence, a copy and translation of which are enclosed. The relations between the Minister and his associate

Secs.

Mr. Yung Wing, and their relative powers. The character and rank of the Minister. The possible difficulties which may follow the establishment of the Mission.

No. 420. One Enclosure.

United States Legation,

Peking, March 13th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:-

Having heard a more positive report that the Chinese Minister accredited to the United States, Spain, and Peru, is about to proceed on his Mission, I asked Mr. Holcombe to visit the Foreign Office in order to ask for information. He did so and reported to me that the Minister would have an Audience to day, and would leave very soon. The Ministers were not at liberty to say whether he would go to the

United

United States first, but said that Chen Lanpin would call upon me after the audience, and state his orders in this respect.

Mr. Holcombe was instructed to say to the Ministers, further, that it would be well, in my opinion, if they would submit to us the credentials of their Officer, and to explain that the suggestion is made, because there is no Interpreter of Chinese attached to the Department at Washington, I would communicate to you a copy of the translation made, and, in this way, all danger of delay or misunderstanding would be avoided. The Ministers at once assented

assented to this, only asking that they should be furnished with a copy of the translation.

I took this course because many questions were raised in regard to the style of the credentials with which this Government provided Mr. Burlingame and his associates, and because upon inquiry I had learned that the Foreign Office had communicated, by request, copies of the credentials of their Ministers at London and Berlin, to the respective Legations here. In both of these instances, as I was informed, it had been necessary to ask that some minor changes should be made in the forms used.

Today

To day the Minister called and said that he had had his Audience with the Emperor and Empresses, that he had been directed to go first to the United States, and would start in a few days. I expressed my satisfaction and said that while I had not thought it appropriate to attempt to influence his movements, I had hoped he would go first to America, and that I could assure him of an honorable and pleasant reception.

During the course of the conversation which ensued, the Minister handed to me his letter of credence, and asked that, in accordance with the arrangement made yesterday, a copy of our translation

translation be sent to the Foreign Office, with which request I promised, of course, to comply.

I enclose a copy of the 1/420.
letter, in Chinese, and in English. I find it entirely in order and satisfactory. It has been compared with the amended letter given to the Minister to Germany, and is expressed in identical terms.

You will notice that there are two Ministers named in the letter. I enquired of Chen Lanpin, whether he and his associate would have equal powers, and was told that, while expected to co-operate with one another in all respects, he is the Senior, and that, as such, the control of the Mission and its

affairs

affairs will rest with him. He spoke warmly of Mr. Yung Wing, but took pains to mention that he had not been presented to the Emperor, was unknown to the Ministers of the Foreign Office, and was appointed only because he had been commended by himself and the Viceroy at Tientsin.

In regard to the appointment of a Consul General at San Francisco, the Minister said that the person heretofore spoken of in this connection, ~~Li Hung Tsai~~ Chun Pak Nam, would go with him, and might, perhaps receive instructions to take up the post named.

I repeated an opinion which I have expressed at the

Foreign

Foreign Office, and in other
influential quarters, that the
Mission to our country is an
important one, and that the
Officer accredited to us, should
be permanently and continuously
resident at Washington. The
Minister assented to this, and
intimated that, if it became
necessary to provide for the transaction
of business in Spain and Peru, it
would be done by the permanent
transfer of Mr. Yung Wing and of
some other person from the Legation
at Washington to the countries named.

As it may be of interest
to you to know that the Mission
will soon arrive in the United
States, I shall send, by the Russian
route

route, to the Legation at London, the following telegraphic message:—

"United States Minister,

"London.

"Please write to Mr. Evarts that the "Chinese Minister will probably reach "America in May. Seward."

In connection with the despatch of the Mission, I beg leave to invite your attention to a letter on the subject which I addressed to Mr. Fish in February 1876. (No. 12.)

Further acquaintance with the Minister enables me to confirm the favorable opinion of him which I expressed in that despatch. He appears well informed, and, while complaisant in his manner, seems to have decided opinions. He is not

of

of so high a grade as I could wish, but, altogether, is a fair representative of the Chinese official class.

I thought it desirable to take some pains to indicate to him that he might not find it possible to accomplish all the objects of his mission abroad; that, given diverse interests and diverse views of international relations and purposes, we ought, both of us, to remember that much must be left to a spirit of forbearance and conciliation. He assented to this promptly, but I could not fail to notice that, when I told him that the Peruvians, of whose interests here I have charge, were about to invite immigration from

from China, he advanced, with a degree of positiveness, the proposition that there will be no difficulty if they send back to China the Chinese who are entitled by treaty to be provided with passages home. It was very much as if he had said that China will hesitate to give effect to the treaty until Peru shall have first fulfilled the stipulations which tell in favor of China.

The attitude thus unconsciously assumed by the Minister is characteristic of the Chinese, and makes me fearful of the results of the establishment of their Mission at Washington. They do not deal with questions upon their merits, but, on the other hand, refuse to act in any

any matter, when they have what they consider an unredressed grievance. Their Minister will, undoubtedly send back to this Government some very unpleasant reports in regard to the treatment of Chinese in California, and they may in turn deal in a very cavalier way with all our efforts to secure redress for wrongs suffered by our country men here.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Enclosure.

Letter of Credence of the Chinese Minister to Washington, in Chinese and English.

Despatch No. 420.
Enclosure.

The Emperor of China to
The President of the United States of
America: Greeting.

From the interchange of
Treaties between Your Government
and China, up to the present, a
sincere and mutual relations of
amity and good will having been
continuously maintained: It is now
Our pleasure to appoint Chen Lanpin,
decorated with the peacock feather,
and wearing the button of the second
grade, President of the Board of
Sacrifice, as Our Special Envoy to
reside at Your Capital; and
Rung Hung*, wearing the button of
the second grade, Intendant of
Circuit, as Assistant Envoy; and
to permit them to visit other parts
as occasion may require.

We are fully assured that
Chen Lanpin and his Assistant
are loyal, upright, sincere and
resolute

*(Ging Long. C.H.)

resolute, and competent to manage all international matters to entire and mutual satisfaction.

Having, by the Mandate of Heaven, reverently succeeded to Our great Patrimony, We regard, without discrimination, China and Foreign Nations as one family, and We trust that, henceforth, Our relations with Your Government may be those of a still closer amity, and of perpetual peace.

Such is Our good hope.

Kwang Hsü, 4th Year, 1st moon, 25th day.
(February 26th, 1878.

The foregoing is a correct translation of the text furnished by the Chinese Minister.

Chester Holcombe.

貴國益敦友睦長享昇平朕有厚望焉

天命寅紹丕基中外一家罔有歧視嗣後願與
貴國都城欽差大臣以二品頂戴道員容閎副之並准其隨
帶二品頂戴太常寺卿陳蘭彬出使為駐劄
貴國與中國換約以來睦誼攸關夙敦和好茲特簡賞戴花

大伯理璽天德好

大亞美利駕合衆國

大皇帝問

大清國

光緒肆年正月

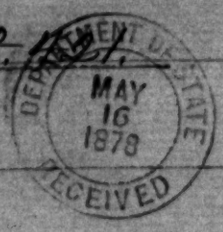
貳拾伍

日

Ack May 25

M Payson

No. 112.



Three Enclosures

United States Legation.

Peking, March 13th, 1878.

George F. Seward to

the Secretary of State.

Subject.

Kiukiang wharfage dues scheme.

Synopsis.

Transmits rules proposed by the British Chargé d'Affaires, and approved by the foreign Representatives generally, under which a tax on tea and opium will be imposed at Kiukiang, the proceeds to be used to construct a protecting wall along the river bank in front of the district occupied

occupied by foreigners, and which is necessary to protect their properties from being washed away by the river. Asks authority to give effect to these rules, and states how this may be done. Refers in this connection to the case of Foss & Company at Shanghai.

No. 421. Three Enclosures.

United States Legation,

Peking, March 13th, 1878.

Honorable William M. Evarts,

Secretary of State,

Sir:—

Some weeks since, Mr. Fraser H.B.M. Charge d'Affaires submitted to the members of the Diplomatic Body a statement showing that the river Yangtze is tending to wash away its bank in front of the British Concession at Kiukiang, and asking the approval of his colleagues for a scheme, under which a light duty may be collected on exports and imports of tea and opium, in order to provide means to construct a stone

protecting

protecting wall for the district in question. It appeared that this wall would extend also along the front of a Chinese suburb of the native city, and that the native authorities are prepared to give the scheme their support.

Upon reading the paper submitted, I found that some features of the scheme were objectionable, and to these I called the attention of my Colleagues, in 1/421 a note addressed to our Senior, Mr. Butzow, the Russian Minister, 2/421 and in a memorandum handed to him at a later moment. I enclose copies of the note and memorandum. Other objections were raised in other quarters, but after two or three

consultations

consultations a set of amended rules was agreed upon, which I now transmit to you. 3/421.

I beg leave to ask you to examine these rules, and to authorize me to give effect to them so far as they may affect our people, provided the Representatives of other Governments shall be authorized to make them binding upon the people of their respective nationalities.

I take it for granted that the concurrence of the several Ministers here will indicate to you sufficiently that the circumstances call for the action which is proposed.

In case you are disposed to authorize me to sanction the rules,

a

a question of principle will at once occur to you. By what authority can we sanction the imposition of a tax on merchandise owned or moved by our countrymen in China, which is not provided for in our treaty with this country? In my opinion the only logical procedure is to deal with the rules as proposed by the territorial authorities, and to assent to them as the issue of this Government in virtue of its sovereignty, and because they are necessary for the comfort and well being of our people resident at the place in question.

The general questions involved in all attempts made in China to establish regulations for the

the better ordering of the districts occupied by foreigners, were dealt with by me, in a judgment which I gave at Shanghai, in the cause:— "The Municipal Council, versus. Fogg". This judgment was transmitted by me to the Department, with the Minutes of the evidence, the arguments, etc. in the early part of 1874, and can be readily referred to in the files of my correspondence from Shanghai.

I ought to add that Mr. Fraser has stated in a note to Mr. Butzow that:— "No exclusive "privileges whatever are enjoyed "by British subjects within the "settlement at Kiukiang, or in any "other English settlement, so far as

"as my knowledge goes, over other
"foreigners who have been admitted
"as Land Renters". I am able to
confirm this statement from a
personal knowledge of the liberal
policy pursued in this respect,
by the English Authorities.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Enclosures.

1. Mr. Seward to Mr. Bulgow
January 21st, 1878.
2. Memorandum by Mr. Seward
January 24th, 1878.
3. Amended Rules.

Despatch No. 421.
Enclosure 1.

My dear Mr. Butzow:—

Please receive herewith the Kinkiang papers submitted by Mr. Fraser.

There are provisions in the proposed rules which I think should be recast into such form as to bear a cosmopolitan appearance. I should like to see this done, and I should like to have an opportunity to examine the Regulations for the Concession. I do not doubt that they are liberal, but manifestly, when a tax is to be laid on the general trade, largely for the benefit of the Concession, it is desirable to know that all who are to pay the tax will be entitled to equal privileges in the district affected.

If you and the others care to meet again, I shall be pleased to state my views more in detail. If not I will make them known directly to

L. Ver. Fraser.

Yours truly

(Signed) George H. Seward

January 21st, 1878.

Despatch No. 421.
Enclosure 2.

Memorandum.

Mr. Fraser submits a scheme, sent up to him by the British Vice Consul at Kiukiang, as follows:—

It appears that the river Yangtze, at the port named, has a tendency to wash away the bank upon which the English settlement is situated, and that a native suburb of importance lying between the settlement and the city walls is subject to the same danger. Works to protect the bank are needed, and their cost is estimated at about Taels 30.000, say $40.000.

The foreign residents at Kiukiang are too few to be able to meet this outlay by direct contributions, and the native authorities are not likely to make any considerable direct contributions for the purpose.

Under these circumstances, it is proposed to levy an inconsiderable import on all tea exported from the port, and on all opium imported, and to defray

defray the cost of the works indicated from the proceeds. To this end a "Governing Body" will be constituted, consisting of the Intendant of Circuit (native) and the British Vice Consul (who is understood to be the only salaried Consular officer at the Port) and a "Works Committee" composed of six members, three chosen by the Intendant, and three by vote of an electoral body consisting of (1st) Foreign merchants who pay 30 taels of the new imposts, and (2nd) land renters in the English Settlement.

The Undersigned, recognising the difficulties of the situation at Kiukiang is prepared to ask his Government to sanction the levy of the proposed imposts, provided the scheme be amended, substantially as follows:—

1st. That the Governing Body shall consist of the Intendant and the Consular Body, any Consul, Vice Consul, or Consular Agent duly appointed

appointed to be considered a member of such Consular Body.

2nd. That the foreign members of the "Works Committee" be chosen by all the foreigners resident at the Port upon an equitable basis of household suffrage.

3rd. That the whole scheme be made cosmopolitan in form, and to provide guarantees that the monies collected shall be expended only for the purpose indicated, that the frontage (excepting where already occupied by private wharves) shall be free to all comers, and that all foreigners shall have equal privileges in the English Settlement, which will be chiefly benefitted, with British subjects, and that the proposed imposts shall be discontinued so soon as circumstances will permit.

(Signed) George F. Seward.

Peking, January 24th, 1878.

Despatch No. 421.
Enclosure 3.

Amended

Scheme for the levying of Wharfage Dues at Kiukiang.

I. A governing Board shall be formed and shall consist of the Taotai of the Intendancy and the foreign Consuls resident at Kiukiang.

The governing Board shall appoint under itself a Committee of Works, consisting of three foreign and three Chinese members: the foreign members being chosen by the foreign members of the governing Board, and the Chinese members by the Taotai.

The Committee shall refer any disputed point to the governing Board, and the members of the governing Board, in case of disagreement, shall refer it to their respective superior authorities.

The Committee of Works shall not contain more than one member of any firm.

II. The following three sections of the river

river bank are to be protected with stone, viz:- from the southwest angle of the British settlement to its north west angle: from thence along the lower tier of the bund of the settlement, to the eastern limit of the China Merchants Steam Navigation Company, and from thence to the front of the Shüan Kwan. This work will, it is estimated, cost 30.000 taels, and this sum shall be raised by yearly instalments, after which the levy shall cease.

III. For the present, only two articles of merchandise will be taxed. Among imports, the one selected is opium of all kinds, whether large or small: and, among exports, tea, whether packed in chests or bags, as bricks, or in dust. The tax on opium imported shall be 1 tael per picul, which shall be paid by the importer, whether he be foreign or Chinese. The tax on tea exported will be two candareens per picul, to be paid by the exporter, foreign or Chinese.

The funds collected in this

manner

manner shall be applied to no purpose other than those herein indicated.

The taxes shall cease to be levied when the aforesaid sum of 30,000 taels shall have been collected, or sooner, if the construction of the works should be found to require less outlay.

IV. Applications to land opium or ship tea, shall bear, in addition to the particulars required by the Customs, a statement of the Wharfage Dues leviable, (that is to say, such a value at such a rate) and before a release permit is granted, the amount shall be paid in and accepted by the Customs, which have been instructed by the Inspector General to collect the Wharfage Dues without remuneration for its services.

V. An account of the dues collected in each month, shall be regularly published by the Committee, in English and Chinese.

VI.

VI. Whenever modifications of these rules may be required, it shall be competent to the governing Board to make them, submitting them before their public notification to the foreign Ministers for approval.

VII. All rights yielded to the governing Board refer wholly to the control of the construction and conservation of the bund road and bund wall, and all the river bed works.

The bund shall be free to all, (save for the dues on opium and tea specified above) for the landing or shipping of cargo or passengers.

In the event of landowners desiring to build stairways, jetties, or landing places, other than those now existing, the plans must be approved by the governing Board, and the expense borne by the proprietor.

No building nor part of any building whatever shall be erected within the inner limits of the bund road

road, and outer bund wall.

Drains or sewers may be opened through the bund, but in the manner prescribed by the governing Board.

VIII. Nothing contained in the present scheme and regulations, shall hereafter be taken as a precedent for the imposition of any tax or contribution other than the Wharfage Dues specified above.

IX. All control not above surrendered, such, for example, as is required for police, sanitary or other regulations of the district of the Bund, shall remain vested in the authorities now holding such control.

Given to press
May 17. 1878
a Bacon

Ack May 25—

W Payson

No. 422. Two Enclosures.

DEPARTMENT OF STATE
MAY
16
1878
RECEIVED

United States Legation,
Peking, March 14th, 1878.

FOREIGN AFFAIRS
78

George F. Seward to
the Secretary of State.

Subject.

Famine in China.

Copies for Mr. Wallace

Synopsis.

Transmits extracts from newspapers and private letters giving details. The districts within which actual famine is found, aggregate a population of from ten to fifteen millions, while probably sixty millions of people are suffering to a greater or less degree.

No. 422. Two Enclosures.

United States Legation.

Peking, March 14th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

It became my duty last year to inform the Department of the distress caused in parts of North China by the failure of seasonable rains. The story was a very sad one, but it would seem that a sadder one may be told of distress now prevailing over a wider area, as a result of a further failure of rain.

The districts now affected comprises the province of Shansi,

parts

parts of this province (Chihli) and of Shantung, Shensi, Honan, Szchuen, and Kansu. It is safe to say that high prices for food, causing more or less distress, prevail among a population of about sixty millions of people, and that actual famine is pressing upon districts aggregating a population of ten or fifteen millions.

It would be idle to attempt to give a detailed statement of the districts in which the suffering is more severe, or to offer an opinion as to the loss of life which must result. It is enough to transmit to you

1/422 sundry extracts from the Shanghai newspapers, and extracts from private letters in my hands, reciting

the

the main features of the information which has been received.

It is one of the most pitiable features of this famine that there is an abundance of food in the country and that it is only the lack of transportation which is the cause of so much misery. The crops have been good in the districts surrounding the stricken region, but as food can be transported only on wagons or pack animals, it cannot be brought in, in sufficient quantities to save the lives of the people.

It is due to the Chinese officials here and in the famine districts to say, that they appear to feel deeply the misfortunes of their countrymen.

countrymen, and that they have made great efforts, all things considered, to relieve them.

Not a few foreign missionaries have gone into the distressed districts, provided with greater or less sums of money subscribed by foreigners and are distributing relief as they best may. Opium and missionaries have been classed by some of the Chinese as the most unfortunate incidents of foreign intercourse, but the latter have been of late winning golden opinions, and from this time henceforth, will be accorded, in both China, at least, a position more in accordance with the real merits of their labors. Looking simply to the political aspects of their presence,

S

I may say that to day their withdrawal would be a severe blow to the influence of foreigners, and the prospects of friendly intercourse.

A great many refugees have come into this city, and into Tientsin. Their presence here is not noticeable, however, but this may be due to the fact that extraordinary efforts have been made to extend relief and to keep beggars out of the streets, and even out of the city. At Tientsin, as you will read in the enclosures, the presence of the refugees has been more noticeable, and there a mat house, set aside for women and children, has been burned; and about 1500 lives lost. I enclose 2/422 a Memorial of the Viceroy, dealing with

with this most distressing incident. You will notice, however, that he carefully avoids an estimate of the dead.

It is possible that the lessons of these two famine years may not be lost upon the Chinese. They know perfectly well that, with adequate transportation, but a comparatively few lives would have been lost. In any western country this knowledge would result in an effort to provide the means needed for transportation in any future case of the sort. And I do not doubt that even here the argument will be a powerful one to aid those who are desirous of promoting measures

measures of progress.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward.

Enclosures.

1. Extracts from private letters and from newspapers relating to the famine in China.
2. Memorials from the Viceroy of Chihli, reporting the burning of a mat shed, used for the shelter of refugees, at Lientsin; and asking that the distillation of spirits from grain be temporarily interdicted.

Despatch No. 422.
Enclosure 1.

The Shansi Famine.

In former letters I gave a general account of the famine in this province taken from official records & also some particulars of the suffering in & around the Provincial Capital, from personal observation. It is my intention now to give some particulars concerning the Central & Southern part of the province. But the region is so extensive to travel over & the time so brief for inquiry, that the account must unavoidably be very incomplete, yet I have seen & heard enough. It is said that familiarity with suffering makes one less liable to be affected by it. Familiar as many kinds of famine suffering have been to me for the last two years, this last journey southwards made me to sick at heart that I visited I cared not to return with my eyes closed & ears stopped. To see & hear was most painful to endure. I cannot write all. Some things are too horrible to be described except in general terms. But I begin:—

Jan. 28— Stopped at an inn 10 miles South. A little before starting, I saw in a street of

Tai Yuan Fu,

Tai Yuan Fu, a man lying on the road about to die of starvation. The carts became blocked & people had to go around by another way.

Jan 29 - Forty five miles S. There was a fall of an inch of snow in the night - Saw four dead on the road, and one unable to walk - moving about on his hands & knees. One of the dead was a boy about ten years old, carried by his mother on her shoulder. She was the only person, priest, & woman. She laid him on the snow outside the city wall & the last sight I got of them was - she standing at some distance off on one side, and a dog watching at some distance on the other.

Jan. 30 - Thirty miles South - Saw two dead. one apparently only just dead, & dressed in good clothes. It could not be a poor man. A few miles farther on, saw one walking like a drunken man. After passing him, I stopped & told my servant to get some cash out to give him. There was a little wind, & while we were getting the cash, a puff a little stronger than the rest, made him fall. To give him many there were millions, and we could not stay.

Jan. 31 -

Jan 31 – 130 miles S. Today saw fourteen dead by the roadside. A stocking was all one had on; and so light was the corpse, a middle sized dog dragged it about. Two of the dead were women. They had had a burial, but it consisted in nothing more than moving them from the road & placing them with their faces downwards – that was all. Want or cupidity of the passers by had dealt kindlier with one than the other for they had left her clothes! A third was a feast to a host of crows & magpies. One man had risen over him & was entombed – a proof that he had been there three days at least; and that no dogs nor wolves could be near. While the road was thus strewn with the dead there were plenty of pheasants, fat enough, close by; a fox & a rabbit opposite, when the poor women had fallen; & wild ducks in the river, appeared none the worse for the famine! Alas that man should find himself & others to death by the iron chains of custom! Another painful contrast forced itself on me that day. A lot of magpies were making an unusual din, and some were picking up feathers. When

I came up

I came up to them, I saw one of their number was dead. But how many dead men & women have I seen on the road without any weeping Except the mother over her child. Yet what most affected me that day was what was said by an old man when we were climbing Ling Shan together. We had just passed a young man dead on the road; then he said in the most touching manner; "Our mules & our donkeys are all eaten up; our Labours are all dead! Oh, how is it that God lets us poor people die like this!" Saw two wolves in the twilight looking out for the dead. In one village was a notice put up, that those who rob & steal, shall be put to death without mercy. In another village a notice was put up that it was agreed by the villagers that should anyone be "merciful", he should be put to death without mercy. People dare not travel through these hills singly.

Feb. 1 — 130 miles. Travelled very a day. Saw big dead & whom four were women. One in an open shed by the road-side, with only a string about her waist. Another was in a river;

a river, but the water was not deep enough to cover my footprints, to what was exposed was at the cruel mercy of the fowls of the air. Another was half clad in rags, in one of the cave houses which open into the road. Another half-clad my staff-eaten. Saw what appeared to be two brothers, from 15 to 18 years old, moving at the rate of more of 80 = each leaning heavily on his staff. Saw a young man carrying his mother on his back. She was far gone, - about to breathe her last. As during our observing them closely, he begged for a few cash, the first who had done so since I left Tai Yuan Fu. The regular beggars are all dead long ago. A mile or two farther on a woman about 40 had fallen & was trying to live, but could not. Some ten pound time. Saw two heads stuck up in cages, to be a warning to those who rob & steal. Saw lots & lots of lice on them along the road but no dead bodies near - perhaps all that was left between them & wolves.

Feb. 2. 180 miles S. Saw two lots dead, all stripped of their clothes, but among them only one woman & two boys. At Hung-tung Hsien a group of

a group of three were lying together. They appeared to be a boy, his father, & grandfather. My servant said he saw several more, but I only state what I saw myself. On the snow we saw marks of a struggle and blood, but no dead body near. Yet it was some justification of the warning to men not to travel singly along these narrow defiles. Two more heads hung up in cages on the trees. For some miles a large number of trees on both sides of the road as far as the eye could see on a level country, were stripped of their bark to a height of 5, 10, & 20 ft. for food. Most were elm trees. There were also groups of several houses, with doors & windows open, and jars & other trifling utensils in them. Their occupants were either gone away or dead, but nothing was touched, for they could be turned to neither cash nor trade.

As a break to this long catalogue of misery, it was really helpful to see how the snow was all thawed from / about my Extensively known. Though there be drought elsewhere, they have abundance of water to irrigate them, & they seem to make the most of it. I could see

in all the villages

in all the villages along the road considerable quantities of straw, indicating that they had had a good crop of grain; but on inquiring I was told the crop was very promising up to the time when the ears came out; then a sudden flood of waters destroyed their hopes, leaving them nothing but straw. So not by water alone, either, can a man live, but by every word which proceedeth out of the mouth of the Lord. This abundance of water for irrigation extended only over ten miles.

Feb 3 – 210 miles S. Saw seven dead – not one woman, but there was one old man with grey hairs & one infant just born. Again the trees were barked, but there was no wheat in the ground. Met Cart-loads of men – occasionally foot travelers. These were armed, some with a shining, bright sword, with a rusty old knife; others with spears & clubs, – all with some weapon or other, even children in their arms carried them. Some were glad to keep close to us as we were riding. We did not feel any fear of their company. At Liang-Ling Hsien – 10 miles S. of Ping-Yang Fu

of Ping-Yang Fu, there were many carts come from Pu-Chow Fu for grain. There were forty carts altogether. To keep order, volunteers are enrolled & paid by the Government in that prefecture. This was told me by one of the volunteers themselves who had come to accompany the grain carts. Otherwise they would be robbed. A woman at Ping-Yang Fu came up to me in the street & asked me to go into a house. On asking what for? She said there are young girls there wanting to be taken away.

Feb. 6: First news dead on the road since we passed with two days ago - a mother & her son in the morning; in the afternoon, at Hung-tung Hien, the dead were actually in heaps on each other. It was then we saw the group of three together, a few days ago. Today there were six heaped together - two women & one boy. On the main street there was a man dead with the edge of a big stone between his teeth! If he lived could he possibly speak in such a strong language? He had nothing better to eat, so he died biting the stone! Others were thrown into the river.

One of the

One of the inn-keepers today asked me if I had any medicine to cure the famine fever. It has commenced about the beginning of January.

Feb 6 — Other first ones on the road dead. One a young woman, another a middle aged one. I will not describe. Suffice it to say they had not perished from want but had been robbed & left to perish from cold (?) The one I saw a few days ago on her knees, was some dead about a hundred yards off. Saw two men grinding something very dark. I went up to them, it was millet husks mixed with old cotton from ragged garments. As coal rises in price, house timber is in demand, & people are pressing down their houses & splitting the wood for fuel.

Feb 7 — Today is the worst day. We saw abundant proofs of men eating stone or clay. I bought three stone cakes. The stone is the same as our soft stone fences. This is pounded to dust & mixed with millet husks in more or less proportions according to the poverty of the people, & then baked. It does not look bad, but it tastes like what it is — dust. The dead today number more than any other day. We did not return them in returning, but on seeing so many first

so many Jats homes, we counted them again this afternoon. There were no less than twenty nine in Eighteen miles (!) from Eng. Bli. Hein northwards & the circumstances were more frightful too. In one valley the road branched into two, — one might take either side of the stream. Accidentally I took one, & my servant the other. We were in sight of each other though not within talking distance, and it was less than two miles before the road united again. On his road the servant saw a woman lying in a ditch after being robbed of all — like others. Although not conscious of any one passing by, yet she moved. Further on we saw a man's head cut clean off his body — a cruel murderer's deed. And that is not all, we saw among the dead some wounded heads, not in such a way as we usually saw done by wolves & dogs & birds. Even the dogs were getting savage: they barked & howled at us when we were driving them away from the dead. Many of the former bodies had disappeared, but their places were more than supplied by Jats homes.

I need not say that we were terribly sick of this horrible

this terrible journey. If we could give relief wherever we went, then it would be a joy; but as it was, such scenes as I have not half described, and such tales as I cannot venture to do more than hint at, repeated daily, and even several times a day, made me almost afraid to mention the subject. It was like opening a painful wound to me. But how much more to the poor people themselves! After being away fourteen days, on the 11th I reached - thank God - Tai Yuan Fu in safety. The above is what I saw. Now I have to give a brief account of what I heard. Not that I heard less (it was far more) but I am sure no one can to bad much more of such terrible suffering. I met men from the province of Sze Chuan en route for Peking & they said that the whole way from Feng Hsien in that province, there was dead men on the road now & then. These men said that snow had fallen in Honan about a foot deep. I met others later who had come from Si-ngan Fu. There about a span of snow had fallen. I met others from Ning-hia, in north Kansu. There grain was cheap & in abundance; but

scarcer each

scarcer each step as they came across the north-
ern half of Shen-si. No more worth mention-
ing has been seen on this route. The Yellow
river, at the pass where they crossed over
to Shan-si, on their way to Kiang Chow,
had not been so impassable by ice since
the 25th Year of Tao Kwang (32 years ago) &
the poor people have had unusual cold as well
as famine to contend with this winter. The bark
alone is sold at prices varying from two to
four cash per catty, according to distance &
carriage. Bark is sold at from four & seven
cents per catty at the places where I inquired.
The roots of rushes are also eaten; this causes
the face to swell. And the stone when taken in
large quantities, has the same effect as chalk.
— people die of constipation. The price of grain
is three or four times the usual rate; and the
price of turnips & cabbages, four & six times —
Flour costs seven, eight or nine cash an ounce
according to the place at which it is bought &
In every city we passed through, they said
20, 30 or 40 people died there daily — At
Ping Yang fu they said that two "wan jin
keng" (萬人坑) were filled & that two carts
were daily

was daily employed in carting the dead. One inn-keeper told us that some body, in three days, had counted us less than two hundred and seventy dead on the road. The main road goes west of the way along side the river Fen, and a good deal of the soil can be irrigated one side or the other; but away a few miles East or West, are the hills. The dead there are far more numerous. Whole families, old & young, die in their houses & there they remain unburied. At Kiei Hsien Hsien in Fen Chow Fu, the inn keeper said that half of the people were either dead or gone away. Under Fen Kiei Hsien & I-Ch'i Hsien & Wan Chuan Hsien in Pu-Chow Fu said that the number of the dead there was frightful. In one Hsien a third were dead already; in another, six out of every ten. In cross questioning, they insisted that in most of the cities in Pu-Chow Fu more than half were dead. Whoever I asked from Ping Yang Fu, Pu Chow Fu, Hsing Chow & Kiei Chow (for I met people from all these places at home inn or other) I did not meet a single man who would admit that five out of ten remained, except that man who spoke

of a third

of a third dead. The rest maintained that four or five or more hundred out of every ten, were dead. And they gave instances of villages numbering three, four, & five hundred people last year, only numbering one hundred now. Here in Yang Kü, nevertheless, judging from inquiries made last year, these statements are exaggerations, - true indeed in certain places, but not of whole provinces. But make a liberal discount & say that only four out of ten will remain at the end of the famine. This I fear is discounting too much. What a terrible & unprecedented famine will it be! Consider the area. Grain is sent to every town in Pechihli from over land, via Hwai-lu a distance of about 6500 miles, not to speak of what comes from Manchuria. If it could be obtained at a less distance, from any other direction, of course it would be done, so we have a radius & can calculate the square miles. The population of Shansi is usually in the twenties.

Now let us see what is done for this relief. Passing rapidly through each place, I could not possibly get very accurate information; this, only an approximation in this as in other

matters, I

matters, I can hope to give. The lowest allowance I heard of was one hundred cash per month to each person. (3⅓ cash per day.) Of the highest I heard of was three hundred cash per month, (10 cash per day.) A Mr. Yuan told me that this place when 10 cash was given, was the best he had heard of too on his way from Tai Yuan fu to Kiang chow & back. In many places, grain was distributed instead of cash; and between two & three ounces was allowed for each person per day. There may be more given in some places but I did not hear of full three ounces being given anywhere. Tai Yuan fu is an exception. In the suburbs there are three large soup kitchens where altogether about twenty thousand people go. Food to the value of thirty to fifty cash is given to each adult daily — an abundant supply when the people are at home & earn money too. It is very different with the mass of the whole province. I have not heard of any means devised to enable the people to provide for themselves. They trust or rather are obliged to be satisfied with what is given them directly. & the first & second parts of this letter show with what results.

results. If what I have written is not enough, let me add that I have heard from several different sources, that in many places, men eat each other. When I said it was hard for me to believe, they were ill-pleased with my incredulity, and buttressed their statements with so many particulars, that I can no longer doubt it. I refrain from repeating them. When I inquired the reason for coal rising in price, I was told that more go mining for the coal pits for it, for they will be stripped of their all, and their beasts, whether horses, cows, mules or donkeys, eaten up. Among the mountains the people of one village dare not visit another. Not only whole families die but some of the smaller villages perish altogether; and that I hear were true in Yang Kiu Hien, where the provincial Capital is. Houses are turned to depopulations, filled with the dead. I have asked myself more than once am I among the living or the dead? Sense has not fallen. What is not known. And I have just heard from highest authority, that in the Southern part of the province, some who have money in their hands are dying because there is no grain to be bought

to be bought. Grain has been bought in abundance in Tientsin & elsewhere by the Governor's agents but all the boats & lumber in Shan-si and the adjoining provinces are not sufficient to carry the grain. When matters have come to such a pass, it is a small thing to say that the roads are so narrow in the mountains that half the carriers are obliged to travel by night while the other half travel by day to prevent delay in waiting at the defiles.

All praise to those officials who try by as many means, with such vigor, to relieve these poor people, but it would be hypocrisy & flattery to praise everything. Alas that there should be officials who will not adopt measures which are known to be of great service in other countries, out of silly prejudice. The blood of the dead myriads must rest upon their unhappy heads. Though wise measures can afford much temporary relief, all human efforts are after all miserable failures. We must look to God & implore Him to have mercy upon us speedily. A fall of snow would make the rich bring out their hoarded grain. But though it rain today there still remain four months

of dire

of this famine afflicted people. To all thanks & blessings. Be unto those willing hearts who now contribute so generously to their relief.

Yours Very Truly

(signed) Timothy Richard

Tai-Yuan-fu Feb 14. 1878

Despatch No. 422.
Enclosure 2.

Li Hung Chang, respectfully requests the Imperial attention to a Memorial, reciting the particulars of a fire at Tientsin, the result of carelessness, by which loss of life was occasioned; recommending certain dismissals from office, and other penalties, and asking that censure be visited upon himself.

The Memorialist respectfully represents that year after year the province of Chihli has been visited by the calamity of floods or drought, resulting in deficient harvests; and that, as Tientsin is at the point of intersection of highways from all points of the compass, the collection of people there is excessive.

Since 1871, free soup kitchens have been opened each winter for the maintenance of famine refugees from far and near, the management of which has been entrusted to the Public Relief Office

Office, which has, year by year managed the business without ~~error~~.

The area affected by drought is larger this year than heretofore, and the number of poverty stricken people who have fled to Lientsin for food is beyond all comparison. It became necessary to increase the number of soup kitchens, and while Your Memorialist was at Lientsin he had directed that, with a view to proper supervision, the Salt Commissioner, Ku Shan, the Customs Intendant Li Chao-ting, and the Territorial Intendant Lin Ping-lin, to distribute among themselves the oversight of these kitchens, and had instructed them to select suitable deputies, who should be instructed due care in all the details of the management.

From the opening of winter to the first of January, there had, from time to time, been additional kitchens opened to the number of twelve, at

which

which about 60,000 persons were fed daily. As the numbers of people at these places was so immense, and the number of large temples was limited, it became necessary to build mat sheds upon vacant pieces of ground, within which sheds rice straw was spread upon the floor, as dwelling places for the famine refugees.

Your Memorialist is now in receipt of a report from the Commissioner and Lieutenants named above, in which they state that upon the 6th of January last, at between nine and ten o'clock a. m. a fire broke out at the women's soup kitchen, outside the East Gate, through the carelessness of some person. Kuo Shan, Li Chao tang, the local officials, and fire companies rushed with all speed to the rescue. But the weather was exceedingly dry, there was a strong wind, and

the

the mats and straw of which the sheds were composed kindled in an instant. In a moments time they were entirely consumed. With all haste, a large number of the refugees, who dwelt within, were rescued. The number of those burned to death is not small, but at the moment, it is difficult to make an enumeration, etc. etc.

At the consideration of this report, Your Memorialist was overcome with astonishment and horror. The kitchen in question was constructed of mats and straw, within which the poverty stricken refugees congregated. As the weather was cold, the inmates could not avoid having a fire, and by default of careful watching on the part of the deputies, the fire occurred.

Although this disaster was so sudden that at the moment human strength was of no avail, still the business of these kitchens is

of

of the greatest importance, and Your Memorialist had over and over again impressed and instructed the officials to be careful. How ought they then to have added caution to caution in their guardianship!

Since now a large number of persons have been burned to death, it is abundantly evident that the deputies were careless and indifferent, to an extent without parallel. It becomes the duty of Your Memorialist to request the Imperial assent to the dismissal from the Public service, never to be again employed, of the deputies, Li Kuei Chang, Expectant Sub Commissioner of Salt, and Ling Ling Ching Kwang, Expectant Official. Li Chao Tang was in general superintendence of this kitchen, and he failed in exercising due care. Although Ku Shih, and Lin Ping Lin, had not the immediate oversight of the burned kitchen, and the last named, on the day of the disaster

had

had gone out of town to inspect the river embankments, still they were associated with the first named in the general superintendency of the soup kitchens, and they can not be said to be blameless. Your Memorialist must therefore request that Your Majesty will order the appropriate Board to determine suitable penalties to be visited upon Li Chao Ling lately appointed Provincial Judge of Chihli, and now Customs Intendant at Tientsin, Ku Shan, Salt Commissioner, and Lin Ping Lin, Territorial Intendant at Tientsin.

Although Your Memorialist was, at the time of this catastrophe residing at the Provincial Capital, still his occurrence in the soup kitchen at Tientsin has filled his heart with fears and self reproaches, and he begs that the Board be asked to pass censure upon him.

Le

In reference to the numbers of those who lost their lives, and of those who were rescued, and as to the origin of the conflagration, stringent orders have been sent, with all haste, for a thorough investigation, that dead are to be decently interred, separately, the living are to be removed to another kitchen to receive care; that those who were burned, but not fatally receive careful, and speedy medical aid, and that suitable assistance be rendered to others who may have suffered by the fire, care being taken to avoid fraud. And renewed orders have been sent to the above named Commissioner, Intendants, and their subordinate officers, to exercise all care and diligence in advance, in devising means to prevent a recurrence of such a calamity. All of which is respectfully submitted

Memorial from Li Hung Chang Viceroy etc. asking that the closing of all distilleries in the Province of Chihli be sanctioned.

Your Memorialist respectfully represents that the price of grain throughout Chihli is continually increasing because of poor harvests and also because of excessive waste.

There are, upon a general estimate, more than a thousand distilleries in the province, using more than 4.000.000 pounds of grain daily, or from 120.000.000 to 140.000.000 pounds per month. Reckoning two pounds of grain as sufficient to feed one person one day, and it seems that the distilleries in question are daily consuming the food of between two and three millions of human beings. The establishments named are continually buying up and using both the grain grown within the province and that from abroad,

with

with the result that there is a scarcity of food for the people. For, although there is no lack of grain brought here from far and near by merchants for sale, the price is not, as usual, moderate. It appears that there is a large number of distilleries in the Yung Ping, Msüan Hwa, and Shuntien districts, and that those in the Yung Ping and Tsun Hwa districts, import their own grain in immense quantities, which they purchase in Manchuria. As now the provinces of Chihli and Shansi, being famine stricken, are looking to the grain of Manchuria for food supplies, it is certainly trying to ones patience to learn that the distillers are controlling that market. A person may abstain from liquor for an entire year, but if he does not eat twice each day, he suffers from hunger. There is an original difference between these two articles, of food, and liquor.

The

The distillers in question, are required to pay an annual tax, not exceeding a sum total of Taels 30,000 ($40,000), an amount of no importance to the Exchequer, while the disaster arising from their consuming the supplies of food for the poor, is manifestly great.

Heretofore, in Years of famine, Government has forbidden the distillation of spirits, and already in Shansi, in obedience to an Edict, the distilleries have been closed. The province of Chihli, being immediately about the Capital, is important, and now that the price of food is advancing daily, and the people are in distress, it becomes especially important to shut off non-essentials, and to conserve the necessary means of life.

It becomes, therefore, the duty of Your Memorialist to request that, with the exception of Jehol and Chengte, where abundant harvests

and

and cheap grain, render the step unnecessary, within the Province of Chihli and the Metropolitan District, from February 1st 1878, the operation of all distilleries be for the present suspended, in order to relieve the wants of the people. After the receipt of a good harvest, distillation may be renewed, under the established tax regulations.

In case this Project meets with the Imperial assent, Your Memorialist will issue the interdictory order, with appropriate penalties for illicit distillation, and will instruct local officers to be watchful and just in enforcing the order, and in preventing official clerks and constables from accepting bribes for complicity in its violation, and to deal sternly with any cases of extortion or false accusation, using suitable discrimination in their execution of the law. etc, etc.

Approved by an Imperial Edict.

Return to Stat Dept of Im Service
Belongs to 422 Im Peking

622

From The
North China Daily News
SHANGHAI, JANUARY 12, 1878.

TIENTSIN.

The fate of the hundreds of thousands of Chinese who are brought face to face with death by this terrible famine, has come to be a problem too vast for this effete Government to grapple with. One may well stand appalled at the proportions which the famine has assumed. It is estimated—and apparently with a fair degree of reliability—that there are 90,000 refugees at Tientsin now, and still they come. There is a large supply of grain both here and at Taku, but I hear doubts are expressed as to there being a sufficient quantity to meet the demand. Much of this grain, too, is in the hands of speculators, and if used for the poor must be bought at a high price.

Ten or twelve soup kitchens and cake shops, where millet gruel or steamed corn bread is served, have been opened in and around Tientsin. A new soup kitchen, just finished on the 22nd instant, ready for its inmates to enter the next day, took fire and burned up early the next morning. All the buildings of the temple in connection with which the matsheds were erected, were destroyed. This was in the city. Most of the soup kitchens are a few *li* distant from the city.

It is reported that at each of these conventicles, there were from 70 to 80 deaths on one cold night a few days since—the daily rate being near 30 at each. The quantity of food is reduced to the minimum; they are huddled together in matsheds as thick as they can lie on the ground, and it is impossible for it to be otherwise than that multitudes should perish.

The famine, or something else, seems to be having an influence on the troops in the employ of the Viceroy. It is said that each *liang-tsz*, or company of 500, is now being reduced at a monthly rate of *ten* men—all of whom are being sent to their homes in the south.

A letter has just been received from Rev. T. Richard, who is now in Tai Yuen-foo, Shansi, in which he speaks of the famine as being "far more extensive," and the suffering much greater than in Shantung last year. "I wonder" he says, "if any good people will once more pity their fellows, for the suffering I hear of on all hands is past description." Extracts from various proclamations are also given. One very forcibly shows the present condition of this by an allusion to each of the preceding four years, thus—一谷不升謂之饑二谷不升謂之饉三谷不升謂之饑四谷不升謂之饉五谷不升謂之大祲, the ascending gradation of which may be feebly represented thus—want, hunger, dearth, emptiness, fullness of distress. Another states that Tls. 280,000 of silver and 130,000 *tan* of grain have been contributed by different persons, but that this will fall very far short of carrying the people of 78 chow and hsien districts through to the time of wheat harvest.

Another rumour is afloat, that heavy demands have again been made on the banks and pawn-shops of Tientsin in aid of the sufferers, an intimation being made that in contributing consists their happiness (福). I do not vouch for it.

It is very cold. Much snow has fallen far to the south. We are having dark, disagreeable days, but no snow.

27th Dec.

Jan 26.—

PEKING.

The famine is the great question of the day here. On all hands we hear of the most distressing condition of the people of Shansi, Shensi, North Honan and South Chihli. A memorial of the Governor of Shansi in the *Gazette*, a few days ago, pourtrays the picture in most harrowing lines. It is calculated that in that province alone 1,000 are dying daily; that it embraces some five or six millions of people, probably 7/10ths of the entire population and *hsiens* of Shansi. In the four provinces the numbers must amount to 9 or 10 millions—five times the number threatened with famine in India, the crisis of which is now passed. Tribute rice from the South to the amount of 6 millions piculs is ordered to be diverted at the Governor's urgent request, to meet their pressing wants. Money, too, is pouring in upon them. Mr. Richard, of Chefoo, is at the provincial capital in charge of one of the three Imperial soup-kitchens, and it would appear that the 2,000 taels he took with him, the residue of the money over from the Shantung famine, with sums since added from home, is being spent in this way. From his great experience of similar distress in Shantung, and the careful and discriminating manner in which the funds placed in his hands were disposed of, we may rest assured he has adopted the best means to reach the largest number at the smallest working expense. A sum of 500 taels remitted by the Shanghai Relief Committee, besides some local sums, were forwarded the other day to him, through one of the native banks, at 3 per cent. discount. The greatest distress is in the South of the province. He informs us that news of the most appalling description reaches him; the dead lying on the roadside, supplying food for the hungry dogs and magpies, and children being boiled and eaten. The distress in Chihli is nearly as bad in some places, and is more easy of access. We hear that several of the missionaries at Peking and Tientsin are prepared to go forth to the work of relief. Subscription lists have been opened in Peking among the missionaries, and donations to this end from $25 to 50 taels have been subscribed by many of their number. Many refugees are collecting at the capital and at Tientsin, and we have just heard of the dreadful massacre of the innocents there on Sunday morning last, about 10 o'clock, when some 2,500 to 3,000 helpless women and children lost their lives by being burned alive. They were encamped in a mat enclosure on the S.E. corner outside the city wall. Tickets for 4,000 were issued for the place. The sights, it is said, were something horrible. It is estimated there are 50,000 refugees in Tientsin.

The weather is intensely cold, the minimum at night falling as low as 3° above zero, and during the day to 21°. Many must die from cold, accelerated by insufficiency of food, and many from diseases following in the wake of famine.

12th January.

Enclosure 3 in Mr. Wade's Dispatch No. 623

[From The North-China Daily News.]

SHANGHAI, JANUARY 24, 1878.

Li Hung-chang, Governor-General of Chihli, &c., memorializes reporting the amounts which have been raised as contributions toward the requirements of famine-relief in that province, under the regulations to which the Imperial sanction has been given. The contributions collected up to the end of April last have already been reported (see *Gazette* of June 30th, 1877); and the following statement now remains to be made of the amounts additionally collected, viz., in silver, Tls. 52,115.4.0.1., in Tientsin nominal *cash*, computed at 3,500 per Tael, Tls. 11,753.9.3.8; in maize, pls. 5,690.5.4., equivalent, at the rate of Tl. 1.8 per picul, to Tls. 10,115.1.8.0; in Barbadoes' millet, pls. 711.1.6.5., equivalent, at the rate of Tl. 1.5 per picul, to Tls. 1,066.7.4.7. The aggregate amount is Tls. 75,050.2.6.5 (in addition to the Tls. 214,344.7 collected to the end of April); and the whole is accounted for under the head of contributions supplied to meet the requirements of the famine expenditure dating from 1876. Lists of the contributors are submitted, with requests for the issue of appropriate rewards.

[From The North-China Daily News.]

SHANGHAI, JANUARY 25, 1878.

TIENTSIN.

The holidays have passed very quietly, and I ought to say pleasantly, too, I think—a quiet pleasure, which after all brings more real enjoyment than those which are mingled with great excitement. The only matter of note was an entertainment given by the Minstrel Club of H.M.S. *Midge*, last evening. The farces of "Box and Cox" and the "Mischievous Monkey" were very well rendered, songs and other performances filling up the evening, and greatly amusing the audience till almost midnight. The proceeds of the entertainment were intended to go to the "Famine Relief," but I have heard it said that some of the community refused to attend if anything was given to the Chinese, and so the funds may be diverted from this object. It is a great pity if such an unworthy feeling exists, and it does not seem possible that it can represent the general sentiment. The feeling of the community on the subject of relief is now being tested by a circular issued by the Committee of last year (Rev. C. A. Stanley, Chairman, and Rev. J. Lees, Treasurer), soliciting funds to be used in sections where Government aid is not given. It is to be hoped the result may show that such a feeling as is indicated above does not exist, or, if does exist as an excuse for not doing a duty, may it be shamed into concealment, as unworthy of a manly character.

About 10 o'clock yesterday morning (7th) a fire broke out among the matsheds in one of the relief yards just outside the S.E. corner of the city wall. A strong N.E. wind was blowing at the time, and scarcely an hour passed before the sheds were all burned, and between 2,800 and 3,000 women and children were suffocated or burned to death. As correct an estimate as I can get gives the number of inmates as 3,000, of whom only a little over 100 escaped.

The location of this soup-kitchen was unfortunate. On the East side was the city ditch, on a part of the South and West sides was an ice-pit, while houses lined the remaining sides. In addition, it was surrounded by a strong fence of kauliang stalks plastered with mud, in which there was only one gate. And it is said that on the bursting forth of the flames, the gatekeeper locked the gate and ran away. Many of the Chinese showed much courage in trying to render assistance, as testified by an eyewitness who, passing just at the time, hastened to do what he could in tearing down the fence and rendering other services. He speaks of the scene at that time as terrible beyond description. The scene presented after the fire had done its work was ghastly and horrible, and the picture of it rises before my mind as one that can never be effaced. The contortions of the features, the position of the body, hands, limbs, mouth and eyes, the same as when the flame and smoke overtook them, reminded one of the descriptions of Pompeii. Had the gate been left open, probably many more might have made their escape, but so rapidly did the flames spread through the matsheds, and in the straw and mats spread on the ground as a protection against dampness, that before an opening could be made in the fence, few even were left to linger on in suffering.

How the fire originated no one seems to to know—a spark, possibly, from the range where at the time the millet was cooking.

A very extensive fire occurred on Saturday night in the N.W. suburb, the particulars of which I have not heard. It is very cold; at 8 o'clock this morning the mercury stood at 7°.

31 January.

3

Received & Stated Sept. after printing 624

Belongs to 422 from Peking

[From The

North-China Daily News.

SHANGHAI, JANUARY 26, 1878.]

We publish elsewhere two letters regarding the famine in the North of China, which bear out the most extreme statements that have been made regarding that calamity. One is from Père Aymeri, quoting the substance of letters that have reached him from Shansi, Shensi and Honan; the other from Mr. Richard, who is at Tai-yuen-foo, in the heart of Shansi. Both concur in describing the suffering as truly horrible. The names of 8 or 9 millions are said to be down for relief in the three provinces most afflicted; but how far this is from representing the total number of sufferers, or how inadequate is the relief forthcoming, may be inferred from the accounts of children being boiled and eaten, clay and leaves even used for food, and men, women and children dying and dead by the roadside. — We can sympathise in the earnestness of the appeal for funds, made by those who are daily witnesses of such horrors; and we are convinced that the appeal which Mr. Muirhead, on behalf of the Relief Committee, makes for further aid will evoke a willing response from many who had not yet realised the horror of the scenes which are described in Mr. Richard's letter. It may be that what we send is a drop in the bucket, but every hundred dollars suffices to save some lives and relieve some measure of suffering. The whole of the funds hitherto subscribed have been remitted; but we share the hope of the Committee that more will be forthcoming in answer to this renewed appeal.

THE FAMINE IN THE NORTH.

To the Editor of the

(NORTH-CHINA DAILY NEWS:

DEAR SIR,—Will you please insert the inclosed two letters in regard to the famine in the North. The one is from Rev. Père Aymeri, who describes in brief the terrible condition of things raging over whole provinces. The other is a continuation of letters that have been sent by Mr. Richard at Tai-yuen-foo, but have not come to hand. Both most earnestly appeal for assistance from the Famine Relief Fund, but our supplies have all been sent North to the scene of suffering. It would be a great satisfaction if timely relief were afforded in answer to these appeals, and the Committee would be glad to receive and forward any assistance that might be rendered.

WM. MUIRHEAD,
Hon. Secretary.

Shanghai, 24th Jan.

[*Translation.*]

M. LE PRESIDENT,—Can you, as you did last year for the sufferers of Shantung, send through the Procure of the Lazaristes, who has authority over the Catholic Missionaries of the provinces afflicted by the famine, some portion of the amount which has been obtained for those suffering from the effects of the famine.

I do not think it necessary I should give you in detail a translation from the Italian, of the horrible accounts I have received from numerous letters which have been sent to me from Shansi, Shensi, and Honan, where the famine is most general and terrible, and from Shantung, where the famine is far from having disappeared, though it is less severe there than it was last year.

These letters are truly heartrending; the people are dying, one might say, like flies; the cold, added to the failure of nourishment and fuel, leaves them nothing but yellow earth mixed with leaves of various kinds of trees, to prolong their lives for a few days. The wild fruits, collected before they are ripe, and the stalks of the millet, are all that are left them; even water has failed, and it is often necessary for the sufferers to seek it at a distance of half a day's journey.

The future is very terrible, for, in many parts, the want of rain will prevent the ground from producing, and in many places the people will have consumed all of the grain seed before sowing time.

The letters I have received are of a nature to make me believe that the details of the famine given in the *Peking Gazette*, and reproduced in the *North-China Daily News*, are correct.

Hoping the Committee will take my request into consideration.

I am, &c., &c.,

(Signed) A. AYMERI,
Procure des Lazaristes.

Shanghai, 23rd Jan.

DEAR MR. MUIRHEAD,—As I do not know whether the posts here are reliable, I send you duplicate of a letter forwarded a few days ago, and if this reaches at the same time, perhaps it had b[illegible] be published.

It is some time since I saw any account of the Indian famine. In comparison with it, I believe the suffering here is far more terrible. The names of eight or nine millions are down for relief, namely:—Honan, 2; Shensi and Chihli, about 1, and Shansi, 5 or 6 millions. That people sell their lands, pull down their houses, sell their wives and daughters, eat roots and carrion, clay, and refuse is nothing strange, but a constant occurrence. And if this were not enough to move one's pity, the sight of men and women and little children lying helpless on the road-side, or if dead torn by hungry dogs and magpies, should do so. The news has reached us within the last few days, from more than one source, that children are being boiled and eaten. If there is pity in the human heart, and the possibility of assistance at hand, this is the time to call it forth. The terrible tales of sieges even sink to nothing before it, for it is only single cities which thus suffer; but here it is a thousand cities—a whole European kingdom! Many thousands of lives were actually saved, and no less than seventy thousand relieved last year, by the generosity of foreigners and their Chinese friends at the ports. It was then a labour of love on your part who so nobly strove to do good. The blessing of God will ever rest on such deeds. Now we have one of the greatest famines this dynasty has had to contend with. Any help given will be most conscientiously given to the real sufferers. Want will be the only condition of relief. If friends at the ports or elsewhere do not consider Shansi too far away, every tael they contribute will relieve so many sufferers; and in multitudes of cases life depends on there being such help at command. I feel much difficulty in calling for aid this year again. It seems like laying too much on willing hearts, but when each day brings news of greater and greater suffering, I cannot but put the matter before those friends who showed such readiness before, and let them do what they can To-day, my landlord told me that two carts laden with corpses went out at the east gate of this city, which were to be buried together in a common pit. He did not know the number that were carried out singly. I have no words to express the anguish and despair of these poor people.

I remain, yours faithfully,

TIMOTHY RICHARDS.

Tai-yuen Fu, 1st Jan.

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Return to State Dept. upon completion
Belenga. W 422 pm Pekin 6-25

[From The

North-China Daily News,

SHANGHAI, JANUARY 28, 1878.]

CHINESE FAMINE RELIEF FUND.

A meeting of the above Committee was held Saturday; present, Mr. Glover in the chair; the Revs. Dr. Nelson and W. Muirhead, Messrs. Wetmore, Lemarchand, Forbes, Hübbe and Dr. Johnston. A letter of apology was read from M. A. Hennequin.

The Secretary stated the occasion of the meeting, that it was owing to the letters which had been received from the North in regard to the famine, and which had appeared in the public papers. The subject was then taken into the serious consideration of the Commitee, as to what should be done. The exceeding sadness of the case was acknowledged, though there was a feeling of deep regret that very much of the prevailing suffering was owing to the want of sufficient roads and means of communication from Tientsin to the famine-stricken districts. It seems that large supplies of rice had been forwarded to that port, which were allowed to lie on the wharves exposed to all weathers; or to be otherwise stored up, for lack of suitable means of conveyance; while multitudes were perishing at no great distance, and human flesh was resorted to by the living as a necessity of existence.

Various members of the committee were strongly of opinion that the Chinese Government was seriously at fault for this state of things; and both on account of the present famine, and, possibly, any future one, it ought to be most urgently pressed upon that Government that railways and such like means of transport should be at once proceeded with, so as to open the country and prevent the recurrence of the terrible destitution now so widely prevailing. The hope was expressed that the publication of these sentiments, at the instance of the Famine Relief Committee, would come to the knowledge of the native authorities, and carry weight with it in their case, leading them to adopt such measures as in similar circumstances to the present would prove effective for the saving of human life.

It was then agreed that the foreign Settlements should be divided into various districts, to be canvassed by the members of the committee; as was the case last year on the occasion of the Shantung famine. The following order was resolved on:—

Hongkew: Rev. Dr. NELSON and Dr. JOHNSTON.

Hongkew to Nanking Road:
Messrs. WOOD and GURRAY.

Nanking Road to Foochow Road:
Dean BUTCHER, Messrs. LEMARCHAND and GLOVER.

Foochow Road to Yang-king-pang:
Messrs. FORBES, HUBBE and WETMORE.

The French Concession:
M. HENNEQUIN.

Chinese in the Settlements, the Outports and Japan:
Rev. Messrs. MUIRHEAD and PALMER.

It was further resolved that telegrams be sent to England and America, appealing for assistance.

2

MY DEAR MR. MUIRHEAD,—In accordance with the resolution passed at this morning's meeting, I called on Mr. Davenport and General Stahel, who both consented to forward under their official signatures the telegraphic appeals for assistance to England and the United States, which were drafted by the Committee. I append copies of the two telegrams which have gone forward. Mr. Helland deserves the warm thanks of the Committee for his liberality in allowing both messages to pass free of charge, as far as London, over the Northern lines.

I have also called on Monsieur Godeaux, who has kindly promised to advise the Committee of the best means of appealing promptly to the charity of the French people.

I am, yours truly,
(Signed) F. B. FORBES.

26th January.

1

[Telegram.]

"Appalling famine raging throughout four provinces, North China. Nine millions people reported destitute. Children daily sold in markets for food. Foreign Relief Committee appeals to England and America for assistance. Requests you form London (or American) Committee, collect funds and deposit Agra Bank."

2

At a meeting of the Chinese Famine Relief Fund Committee, on Saturday, it was resolved to divide the Settlements into districts as was done last year, and canvass for subscriptions in aid of the appalling distress revealed by the last accounts from Shansi. Telegrams were also sent through the English and American Consuls to London and New York, appealing for assistance. The Committee took occasion to express an opinion which we would like to hope may have some effect on the consciences of Chinese statemen; viz., that the Government is itself in great measure responsible for the frightful loss of life which is occurring, from its neglect to make roads or maintain communications; thereby rendering infinitely difficult the transport of supplies which had been actually accumulated at the port of Tientsin. But there have been famines in China before, without his lesson being learned, and there are Mandarins elsewhere than at Nanking, who would rather see the people perish than admit such a pestilential foreign innovation as a railway.

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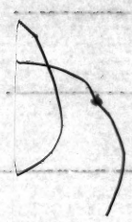

5

Return Wade Dispt after reading. Belongs to Peking

626

From The

North-China Daily News

SHANGHAI, FEBRUARY 4, 1878.

TIENTSIN.

The morning after the burning of the soup-kitchen at the S.E. corner of the city, I sent you such statements as could be gathered at the time relating to the tragic event. As is always the case, such statements must be modified by ascertained facts, which cannot at once be had.

The fire occurred just at the time of the morning meal. One of the higher officers who is looking after matters since the fire, told me that strict orders had been issued for the gate to be locked at meal-time, to prevent outsiders from mingling with the inmates and getting a part of the food, and in the confusion it was impossible to get the gate open instantly.

Accurate statistics are not available, either through their not having been kept, or through the unwillingness of those in charge to furnish them—but from careful inquiry I think there were not less than 2,800 inmates.

The number burned to death may also be fixed with a good degree of certainty. Five days ago, after all the bodies had been placed in coffins, the number of coffined bodies large and small then on the ground, was, by actual count, 1,005, while more than 200 had been claimed and removed by friends. Other coffins were filled with the remnants of clothing, while still others contained, or were waiting to receive, either the bones of such of the unfortunate inmates as were almost entirely consumed, or the surface ground of the place; all these rags and this earth are to be buried, as being stained or impregnated with blood.

Another method of computing leads to about the same result. A salt merchant of Tientsin, named Kao Ho-ch'uen (高鶴泉) offered to give 3,000 coffins. The number taken from the shops was 1,500. Some of these were used for clothing, bones, and earth, while some were still empty. So that I think we are safe in fixing the number of deaths as not less than 1,200.

The general supervision of the soup-kitchens this winter is entrusted to the Tientsin Taotai Lin (林), the Customs' Taotai Li (黎), and the former Taotai Ting (丁). The persons in immediate charge of the place recently burned were of the rank of Tien Sz 典史, named Ting T'ing-hwang (丁廷煌) and Lü Wei-ch'ang (呂偉章). All these persons are expecting punishment of some sort, in consequence of this sad affair. The inmates who escaped have been temporarily provided for in temples near by, or transferred to other relief sheds. Many of them have requested that an allowance of grain and money be made them, and they be permitted to return to their homes, which request, I am informed, will be complied with.

We are looking forward to the coming summer with unusual interest, as it is generally understood that the coal mines are to be opened, and mining pushed forward in them vigorously. May this lead to other equally important advance movements.

17th January.

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Return to State Dept of Foreign Relations 1878 Pekin

627

[From The]

North-China Daily News,

SHANGHAI, FEBRUARY 18, 1878.]

TIENTSIN.

A couple of gentlemen, recently returned from a tour in the country, give a most distressing account of the state of some portions through which they passed. In many villages, fully half the houses had been despoiled of all their wood, doors, windows, beams, &c., which had been sold for a mere trifle to procure food, leaving only the mud walls standing. In some cases I have heard of the beams being sold as fuel at 3 *cash* for 2 catties. In the Chi Chow (冀州) district, scarcely any animals are to be seen, and many of the villages are half deserted; indeed, in some villages it was said that "more than half" the people had gone away, and of those left, according to the local constables' statements, and in villages of 60 to 80 families, the remainder were being decreased by death at the rate of one daily. The district is likely to be almost ruined by the time crops come again.

The Magistrate of Chi Chow adopted the following method of relief: It was announced that grain would be sold in the city at half-price. It was sold, however, in very limited quantities, and only on every third day, and the business was done so slowly that many had to go away unserved; and even this sale was stopped about 18 days ago. The grand defect of this plan is that it does not meet the case of the great majority of the people; they have no money to buy with. Many persons who farm 40 to 100 *mow* of land, and have been well-to-do farmers, have not a *cash* with which to help themselves.

One of the Hsien Magistrates, under this same Chow city, (Tsao-hsiang Hsien), adopted a different method. He announced that on a certain day 5 measures (升) of grain would be given to each destitute person. Previous to the day of distribution, runners were sent to all the villages to ascertain who were really destitute.

The announcement stated that those receiving grain would be required to sign an agreement to repay the grain the coming year. Those who possessed even one *mow* of land were thereby rendered ineligible to the relief. Thus those who might have some hope of being able to repay the grain, if their land produced the coming season, were debarred the aid they needed by this very prospect, while those who had no such prospect dared not sign such an agreement; consequently no one went. It would be interesting to know if this proffered grain was a Government grant. The evil deeds of this official have been so many and so bad that he has become a byword among his people; and, as a matter of fact, has almost ruined his district by his injustice and oppression.

Some time since, proclamations were issued forbidding the slaughter of cattle, on the ground that the officials were praying for snow. It was privately intimated to the butchers, however, that by the payment of a few hundred taels they would not be molested in their business. This they very properly declined to do. As a consequence, no beef is to be had. Our first fall of snow came yesterday, about an inch deep, and perhaps the strictures may now be removed.

12

(From The Peking Gazette.)

Yen King-ming, special High Commissioner for the superintendence of the arrangements for famine-relief in Shansi, submits a farther report of his proceedings and investigations, having now traversed the eastern division of the province, and reached the district city of Yün-ch'êng. He received on the 8th December, at Kao-p'ing, the Imperial rescript acknowledging the receipt of his earlier report on the western section of the province; but previously to this, on the 29th November, he had set out from T'ai-yüan Fu, the provincial capital, on his journey eastward. In the Wu-hiang and Ts'in Chow districts he found that the soil of the uplands was baked to the consistency of brick, and that there had been no autumn crop. The relief agency had but lately been set in operation, and the distressed population had gathered around it awaiting succour. The country lying west of Ts'in Chow was in the same condition. Turning southwards through Lu-ngan Fu, he found that the winter wheat had not been planted, and that the country, its own provisions of grain exhausted, was depending upon the importations from Kwang-p'ing Fu in Chihli, by way of Tung-yang Kwan. Flour was selling at 60 or 70 *cash* per *catty*, which is three or four times the ordinary price. In Li-ch'êng, Lu-ch'êng, and Ch'ang-tsze, the suffering from drought had been somewhat less; but the price of provisions was not diminished, and the population was suffering in an extraordinary degree. Passing through the south-eastern border districts of the province, the memorialist proceeded westwards to Yang-ch'êng, Ts'in-shui, etc., in which districts the suffering was found to be still more intense than in Ts'in Chow and Lu-ngan. At Fêng-t'ai it was found that 250,000 was the number of applicants for relief, and at Yang-ch'êng 180,000 individuals were in the same category. These two points are the centres at which the largest numbers are collected. Generally speaking, the country embraced within Ts'in Chow, Lu-ngan Fu, and Tsêh Chow is for the most part hilly and cultivated to a comparatively small extent. The population is principally engaged in the iron industry; and as the furnaces suspend their operations on all sides during a season of distress, the working classes find it all the harder to obtain means of subsistence. There are but few wealthy residents, moreover, in these districts, and local contributions are not easily obtained. For the issue of relief, the principal source of supply is the public granaries, but with such a multitude of mouths to feed, the small store of grain is exhausted in the twinkling of an eye. In Tsêh Chow, as this department borders on Honan, supplies of grain have been received through the agency of the famine commissioner Wu Ta-ch'êng; but the amount thus obtained is limited and cannot suffice for all wants. The district authorities are performing their duties in obedience to the Imperial commands, and are not entrusting their functions to the class of underlings. Although some may be more gifted with ability than others, no complaints are forthcoming of malversation or other malpractices. A salutary warning has been afforded by the Governor's impeachment of some 20 or more of the provincial officials. In conclusion, the memorialist dwells once more upon the painful scenes he has witnessed at every stage of his journey, in the course of which his chair has continually been surrounded by crowds of the famine-stricken population imploring relief, to whom he has administered comfort in soothing words, assuring them of the Imperial sympathy. The roads are lined with corpses, in such numbers as to distance all efforts for their interment; whilst women and children, starving and in rags, know not where to look for the means of keeping body and soul together. The distinc-

'ases, has now disappeared. All are equal y educed to utter destitution. The memor- ilist, his heart wrung with despairing pity, annot but ask why has a calamity so awful s this been visited upon the people. He an only ascribe it to his own failure in the ue discharge of his duty and he feels that is shortcoming admits of no excuse.—In eply, the Grand Council has received a escript expressing profound sympathy with he sufferings of the people as reported in his memorial, and directing that all that possible for their relief be done in onsultation with the Governor of the rovince.

13

Wm Adee

Legation of the United States.
Peking, March 15th 1878.

Honorable William M. Evarts.
Secretary of State.

Sir:-

I take pleasure in giving to the Chinese Minister, His Excellency Chen Lanpin, this note of personal introduction to yourself, and in commending him to you in the warmest manner.

You will already have learned, from my official despatches, that he is well acquainted with our country, and an earnest friend, and will esteem it fortunate that a person so qualified is to be at the head of the first permanent Mission established by China with us.

I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Seward

使臣等恭膺我

大清國

大皇帝簡命親賫

國書前來駐劄以表永遠和好之意伏惟

大伯爾璽天德勳崇績茂福錫羣倫我

大皇帝實深欣悅前此聘問

貴國曾派使臣彼此情通成效已睹今使臣等駐

劄伊始惟願固往日之交並冀資將來之益賫

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國書謹此呈

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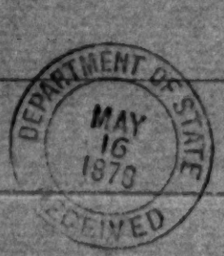
Ackd with No 41 in relation to same case.

Ackd May 25th. Mr Conner & Mr Bayard

No. 423. Two Enclosures.



United States Legation,
Peking. March 16th, 1878.

George F. Seward to the Secretary of State.

Subject.

Russell & Company versus Shen Tao Shan.
Judicial procedure in Mixed Cases.

Synopsis.

Transmits the response of the Foreign Office, and Mr. Seward's rejoinder. The Prince sustains the course of the Intendant, and Mr. Seward repeats his request for an open trial of the matter, quoting treaty stipulations. The question

of

of right and that of jurisdiction
important.

No. 423. Two Enclosures.

United States Legation

Peking, March 16th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

On the 9th instant, I had the honor to hand to you a copy of a letter which I had received from the Consul at Hankow, in regard to the refusal of the Intendant at his port to grant an open hearing of a case brought against a Chinese by Messrs Russell & Company, and also copies of my response to Mr. Shepard, and my representation of the business to the business to the Foreign Office.

I am now in receipt of

the

1/423 2/423 the Prince's answer. I enclose a translation of it, and a copy of the rejoinder which I have made.

You will notice that the Prince's letter upholds the action of the Intendant, for reasons which are stated. I have not thought it worth while to refute his line of argument, but have simply repeated my request for an open hearing, and fortified this by a reference to treaty stipulations.

It is important that this request shall be insisted upon, and very desirable to confirm the reading of treaty stipulations which I have advanced.

I

I shall therefore pursue the matter with all appropriate care.

I have the honor to be,

Sir,

Your obedient servant,

Geo. F. Seward

Enclosures.

1. Prince Kung to Mr. Seward 15/1878. March 10th, 1878.
2. Mr. Seward in response 16/1878. March 11th, 1878.

Despatch No. 423.
Enclosure 1.

15/1878.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication in reply.

Upon the 4th instant, I had the honor to receive a note from Y. E. stating that, in the case of Messrs. Russell & Co., American merchants at Hankow, versus Lin Hsing fa, you had to request that orders be sent to the Taotai, directing him to hear the case in the presence of the Consul, etc. etc.

I beg leave to state in reply that I am in this matter, in receipt of a report from the Viceroy of Hupeh and Hunan, informing me that the Hankow Intendant submits to him the following statement:—

Upon the 29th of September, 1877. Mr. Shepard, U.S. Consul forwarded to him a claim of Messrs. Russell & Company against Lin Hsing fa, with the request that he proceed to recover the amount from Lin Hsing fa's surety, Shen Lao Shan.

Upon

Upon the arrest of Shen Lao Shan, he stated that he had gone surety for Lin Hsing Fa, upon the representations of Hsieh Hsiao Yuan, Huang Hsiao Fang and Woo Chun Yang, three employees of the foreign firm. The deposition of Lin Wang the daughter in law of Lin Hsing Fa, was also received, which declared that Woo Chun Yang persuaded her father in law to undertake this speculation in timber, that after her father in law's death, Hsieh Hsiao Yuan and Huang Hsiao Fang had arranged the business upon the basis that Shen Lao Shan should go surety; that, up to the date of her deposition no return for the timber had been received; and she prayed that Woo Chun Yang and his associates be arrested, and the timber be recovered from them. A note was also received from Consul Shepard enclosing the surety bond given by Shen Lao Shan which document bore the names of Hsieh Hsiao Yuan, and the other two persons as witnesses. The Intendant, seeing the three names of

Hsieh

Kaich Hsiao Yuan, and the others, upon this document, and it being admitted by both parties that they were employees of Messrs. Russell & Co., requested Consul Shepard to instruct the said firm to make a clear statement of the facts, and asked a response from Mr. Shepard, in order to aid in investigating the business. Mr. Shepard's response cited the 28th article of the United States treaty, and requested a joint investigation.

But it appeared to the Intendant that, inasmuch as the three persons mentioned are Chinese, and not foreign merchants, the case should be tried and settled by himself alone. A correspondence arose upon this point, and to the last the foreign firm were not required to deliver over Kaich Hsiao Yuan and his associates.

Quite unexpectedly, upon the 5th December, a dispatch was received from Consul Shepard stating that the "examination of Chinese was a duty "imposed upon Chinese officials, and

was

"was disrespectful to his position", that he was in the right and must refer the whole case to the United States Minister, for his action, etc. The Lieutenant remarks that the case is exceedingly complicated, each party tells a different story, and that it is necessary to arrest the three persons named and examine them, in order to arrive at any conclusion. But as the three persons named are Chinese, and not citizens of the United States, and, as Consul Shepard admits, as the duty of examining Chinese rests upon Chinese officials, it becomes evident that the provisions of the 28th Article in cases which concern American citizens, have no application to the business in hand.

In the complaint of Lin Kang, of course Messrs. Russell & Co. have no concern. It becomes the duty of the Lieutenant to forward these particulars for instructions, etc. etc.

Thus the Governor General.

As

As this Office had the business under consideration, H. E's despatch, as quoted above was received.

As it appears manifest that Hsieh Hsiao Yuan, and the other two persons named, are Chinese subjects, the course of the Intendant is entirely in order. I am instructing the Viceroy of Hupeh and Hunan in this sense, and beg leave thus to make reply to H. E.

H. E. George F. Seward,
etc. etc. etc. etc.

Peking, March 10th, 1878.

Despatch No. 423.
Inclosure 2.

Mr. Seward to Prince Kung.
16/1878. March 11th, 1878.

I have had the honor to receive your despatch of the 10th instant in regard to Messrs. Russell & Co's claim against Shen Laoshan, surety for Liu Hsing fa, in which matter the Intendant at Hankow has refused the application of Gen. Consul Shepard for a formal trial.

After examining the despatch which you have sent to me, I have to remark that it contains nothing contrary to the representations which I have made to you. In point of fact, the Intendant appears, by his report, to acknowledge that he has refused to try the matter in an appropriate manner.

I beg leave, therefore to call your attention to the 24th and 28th articles of our treaty and to ask again that the Intendant be instructed to hear the case in the presence of the Consul. In this connection, I

beg

beg leave to call your attention to the last paragraph of Section 2. of the Chefoo Convention:— "it is "understood that so long as the laws "of the two countries differ from each "other, there can be but one principle "to guide judicial proceedings in "mixed cases in China; namely "that the case is tried by the official "of the defendant's nationality; the "official of the plaintiff's nationality "merely attending to watch the proceedings in "the interests of justice"

I have etc.

(Signed) George F. Seward

Recd. May 16/78.

Act'g May 25

Mr Hayes

No. 424. One Enclosure.

United States Legation,

Peking, March 22nd, 1878.

George F. Seward to

the Secretary of State.

Subject.

Proposal to work coal and iron mines.

Synopsis.

Transmit the report of the promoters.

This has the approval of the Viceroy at

Tientsin, and, under his auspices, a

prospectus for the formation of a company,

etc. has been issued. The capital required

is large, and, for this and other reasons,

the project may fail. Coal and iron

found

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found near Peking more favorably disposed, but it cannot be worked because of the opposition of the Government.

No. 424. One Enclosure.

United States Legation,

Peking, March 22nd, 1878.

Honorable William M. Evarts,

Secretary of State.

Sir:—

Some three or four years ago, a plan was agreed upon by the Viceroy at Tientsin, and certain Chinese to work coal mines in the southwestern part of this province, and a gentleman, long resident at Tientsin, was despatched to England to purchase machinery and to engage mining superintendents. The plan was considered by those foreigners who examined into it as not likely to give good results, and, in point of fact

fact, it failed before operations had been fairly begun, it having become evident that the outlays required were much larger than the first estimates.

Of late, a more promising project has been brought forward by Mr. Tong Kingsing, whose name will be familiar to you as one of the managers of the Chinese Merchants Steam Navigation Company. It appears that he has examined a district to the north of Tientsin, and found there coal and iron in adjacent beds, that specimens of both have been submitted to analysis, and found equal to inferior English coal and iron, and that, after computing the cost of constructing works at the mines, and a railway to a neighboring

neighboring river, he believes that mining operations can be undertaken at a profit. He reports all this to the Viceroy, who concedes the "permission asked for, and directs two officers to associate themselves with Hsu Tong Tsingsing" "for the "organization of a financial scheme, "and the arrangement of all "preliminaries." They report, in turn, regulations under which a "commercial company may be formed to carry on the proposed operations. The Viceroy having approved these, the prospectus of a proposed company was at once issued.

It may be accepted as certain that coal and iron exist in the given district, and that the promoters

of

of the enterprise are in ~~interest~~ earnest in their desire to work the mines. The amount of capital which is required, however, is large, about $1.100.000, and it is by no means sure that this can be secured. It is always possible that official hostility may, at any moment be developed. Aside, therefore, from any question as to the merits of the scheme in a strictly commercial point of view, it is not unlikely that the undertaking will fail, either in the outset, or later on. The fact, however, that the Viceroy has, twice, formally approved proposals to undertake mining operations is of much importance to the cause of progress, and cannot but encourage enterprises which will be successful.

2t

= It is to be regretted that the promoters of the ~~given~~ enterprise are not at liberty to choose their field of operations. A few miles to the west of Peking are some of the finest coal mines in the world, and iron is found in the same neighborhood. These mines could be worked with more certainty, and at less expense, in all respects, than those in the other district, and in the great matter of transportation, they are far more favorably circumstanced. The Government, however, is rigidly opposed to the introduction into them of foreign machinery, or the construction of a railroad or tramway from them to this city, to the river near here, or to Lientsin.

As

As a consequence, all ideas of working them must be dismissed.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Enclosure

1. Extract from The North China Daily News, February 12th – 14th, 1878, on the proposed Chinese Mining Company.

Enclosure 1

Return to State Dept — Despatch No. 424 from Peking
of 2nd January
Enclosures 637

[From The North-China Daily News.

SHANGHAI, FEBRUARY 12, 1878.]

THE PROPOSED CHINESE MINING COMPANY.

The *Shên Pao* has recently published the full text of the interesting reports from Mr. Tong King-sing to the Grand Secretary Li Hung-chang, upon the capabilities of the coal and iron districts to the North-west of Tientsin, which were inspected by him in October last, in company with Mr. Morris, a mining engineer. We have already reprinted some extract translations, from the *China Mail*; but a connected summary of the pamphlet will not be without interest to many of our readers:—

The first paper gives a general report of his visit. He left Tientsin on the 24th October in a small steamer for Peh-t'ang 北唐, where he found a good anchorage, with as great a depth of water as at Taku. On the second day he reached Lu-t'ai, a town of some importance about 30 miles up the Peh-t'ang river. Here he left his boat and struck inland, halting the first night at a village called Wang-lan, near to which is a river communicating with the sea. This river takes its rise some 14 miles above K'ai-p'ing 開平, a small town situated in the heart of the mining district. There is a fair depth of water as far as K'ai-p'ing, but the river is so tortuous in its course, and spanned by so many bridges as to render navigation difficult.

On the second day after leaving Lut'ai, he reached the town of K'ai-p'ing above mentioned, and during the three following days was engaged in surveying the neighbourhood within a radius of eight or ten miles, in search of coal and iron ore. The result was encouraging; specimens of coal and iron ore were collected and subjected to analysis; the details of which are given in a separate report, to which we shall refer later on.

Section 2 treats of the general features of the country. He remarks that in the northern portion of this district, a continuous chain of hills runs from west to east for a distance of nearly twenty miles. At the foot of this range, and close to it, there is a chain of low hills running parallel to it, which doubtless at some remote period formed part of the base of the larger range. In the smaller range, iron was found; while the space between the low hills and the higher ones is full of coal mines. These latter have been in existence since the time of the Ming dynasty, and the country is covered with the traces of old workings, while some scores of pits are still in active work. He descended some of the pits, and found in some places that they had been sunk in a solid bed of coal; in others the seam appeared on one side only. Pieces of coal were lying about in all directions on the surface, affording ample proof of its abundance. He was informed by the miners that in no single instance had they reached the bottom of a seam, from which it may be inferred that there is plenty of it underground.—Here follows an explanation of the origin of coal, with an illustration of the reason why it should be better the deeper it is worked. He was told by Mr. Morris that only one description of coal was worked in the district, of which he estimated there were at least six million tons. In foreign countries one description of coal is never found alone, and although the miners were unaware of the existence of other kinds, Mr. Morris was of opinion that it would be found that they existed in still larger quantities

Section 3 describes the working of the mines by the natives. All the mines are private property, and worked by private individuals. The pits are from seven to eight feet in diameter, with a depth varying from sixty to one hundred and sixty feet. They are cut in an oblique direction, and the sides shored up with wood every four or five feet. The miners dig on till they get to water, and then their troubles begin. They do not know how to pump out the water, and the workings get clogged with mud, till, finally, they have to be abandoned altogether. This is not the only difficulty to be contended against. They lose the run of the seam, and cannot recover it; the sides of the pit fall in; bad air accumulates, or the workings catch fire, all of which possibilities render mining a dangerous employment. Profits, too, are extremely small. A picul of coal at the pit's mouth is worth one mace five or six, and broken coal about a mace; while one man cannot dig more than five or six hundred catties a day, from which it may be seen that mining is not a very profitable speculation.

Section 4 contains an explanation of the foreign system of working mines.

He then turns (Section 5) to the iron producing capabilities of the district. At Fêng shan 風山 near to K'ai-p'ing, the iron runs in a line following the base of the hills for a distance of about fifteen miles, showing above the surface in some places, in others lying below it. Sometimes it is found in a single vein, in some places there are two distinct veins. These veins or *strata* are from 40 to 50 *ch'ih* (feet) in width, and of an unknown thickness. By the side of the iron ore, limestone is to be found, and below the iron is also coal; a remarkable instance of the economy of nature in her provisions for the benefit and profit of mankind. For, to smelt a picul of iron ore, 70 catties of lime and 3 piculs of coal are required; if these are not found in proximity, transport adds greatly to the cost of production. The natives appear to be ignorant of the properties of iron ore, although it is lying about all around them, and have no idea of the proper way to smelt it; in fact, there is really only one proper method of smelting it, and that is by the foreign plan with foreign machinery. There are no graves about Fêng-shan, and the country is sparsely populated, the only inhabitants being miners. The mines are the property of private individuals, who would be only too glad to part with them. The land belongs partly to Government and partly to private individuals, who are quite ready to dispose of so barren a soil.

Three specimens of iron ore were collected. A red ore (specular?), an ore of a brownish hue (ochry red ore?), and a yellow ore with blueish black spots (iron pyrites?). The first kind was taken from the stony soil at the base of the hills; the second from the hill side; and the third from the top of the hills. Each specimen apparently contained about three-tenths of metal.

Section 6 is an estimate of the cost of working the Fêng-shan iron in the foreign way. The following are the figures given:—

For smelting a picul of iron:—	Tls.	m.	c.
Lime, 70 catties, cost	0	0	7
Coal, 300 catties,	0	3	0
Porterage,	0	1	0
Total	0	4	7

or, say, one ton of iron can be produced at a cost of Tls. 8. In England, iron costs at the pit's mouth from Tls. 10 to 12 per ton.

Add to this the price of coal for smelting, about 5 mace per picul of iron, thus raising the cost of production to about Tl. 1 per picul. The price of iron in China is at present about Tls. 2.2 per picul. A smelting furnace will smelt 600 tons a month. If prepared iron be worked at the same furnace, the outturn will be one million catties (or, say, a little over 400 tons).

Section 6 is followed by a comparative statement of the value of K'ai-ping coal (Section 7). The coal is light and loose, burning greatly to ash, for which reason steamers visiting Tientsin will not burn it. English coal costs at Shanghai ..... Taels 8 per ton.
Sinnan (? Sydney) coal.... 7 „ „
Japan ..... 6 „ „
Taiwan, Tls. 4.5 to Tls. 5 „ „
K'ai-p'ing coal would probably command Taiwan coal prices.

K'ai-p'ing coal sells on the spot for Tls. 0.1.6 per picul, or Tls. 2.7. per ton. The cost of cartage per ton to Lut'ai would be 200 odd large *cash* per picul, or Tls. 2.2 per ton. The freight by boat from Lut'ai to Tientsin is estimated at Tls. 0.5. per ton, and coolie hire at Tientsin is put down at Tls. 0.2. This gives the following figures:—

	Tls.	m.
Price of coal at pit's mouth.....	2	7
Cartage to Lut'ai.....	2	2
Boat hire.....		5
Coolie hire.....		2
	5	6
Steamers purchasing coal Have to pay a duty per ton of.....		7
Add coolie hire.....		1
This gives a total of..... Tls.	6	4

It is hardly strange, therefore, that steamers will not use it.

Now, suppose the coal were worked by the foreign method, the following would be the figures:—

	Tls.	m.
Price at pit's mouth.....	1	0
Expenses as above.....	3	7
This would reduce the price at which it could be put on board ship to	4	7

The coal might find purchasers for local consumption at this rate, but it could not compete with foreign coal in Shanghai; for 1 Tael odd per ton has still to be added for freight to Shanghai and porterage; this does not include duty and godown rent, of mace 6, which would raise the cost to over Taels 6. Even if, as on Taiwan coal, a duty of one mace per ton only were to be levied, the cost of laying it down in Shanghai would still be Tls. 5.5. This does not provide for a difficulty which working the mines on the European principle would still entail, viz: want of means of transport. An outturn of from 5,000 to 6,000 piculs a day would require 300 large carts to carry it away. Not only are there not so many forthcoming, but a demand for them would raise the cost of cartage. Hence it is apparent that Tls. 5.5 is a low estimate of the cost of laying down the coal at Shanghai.

Now, suppose a line of railway were laid down from K'aip'ing to Lut'ai. The figures would then be:

	Tls.	m.	c.
Coal at pit's mouth.....	1		
Railway carriage.....	1	1	0
Freight to Shanghai.....	1	1	0
Loading and discharging.....		4	0
Half duty export and import.....		1	5
Brokerage at Shanghai.....		2	0
Godown rent.....		1	0
Total..... Tls.	4	0	5

This would permit of coals being laid down at Shanghai at, say, Tls. 4.5 per ton, which would not only enable the coal to hold its own against foreign coal, but yield a profit of mace 5. Suppose 150,000 tons were produced a year, the profit would then be Tls. 75,000.

If, therefore, it be a desideratum to drive foreign coal out of the market, and at the same time to give to the steamers of the China Merchant's Co. return freights amounting to Tls. 100,000, it can only be effected by the adoption of a railroad.

Having explained that a railway is essential to the profitable working of the mines, Mr. Tong-king-sing proceeds to submit an estimate of the probable cost of the line required. It should run from K'ai-p'ing to the mouth of the Chien river 湞河, a distance of 100 *li*. (about 36 miles).

The following are his figures :—

	Tls.
Purchase of land, 18 *mow* for each *li* a Tls. 10, cost for 100 *li*	18,000
Ballast for each *li* a Tls. 450, cost for 100 *li*	45,000
Bridges over roads (?)	10,000
Watch towers, &c.	10,000
Machinery, trucks, and cars	8,000
Wood work (sleepers ?) per *li*, Tls. 500 cost for 100 *li*	50,000
Iron work (rails ?) per *li*, Tls. 2,000	200,000
Labour per *li*, Tls. 100	10,000
Stone work per *li*, Tls. 250	25,000
Construction of wharves	24,000
Total, Tls.	400,000
Estimating the carriage of coal on this line at 15,000 tons per annum, a saving on cartage from K'ai-p'ing to Lut'ai would be made of	330,000
Deduct half this amount as the cost of freight to Shanghai	165,000
And there will be an actual saving of, say	165,000
Again, estimate the annual saving on the cartage of 200,000 piculs of iron at	30,000
And a total saving is shown of	190,000

Thus, it is manifest that, reckoning in round numbers, in two years the line will clear itself.

The annual traffic and passenger receipts will just meet expenses on account of rent, labour, &c. The above figures are based upon the present ruling prices at Shanghai of Taiwan coal (Tls. 4.5 per ton), and iron (Tls. 2 per picul); any increase on these quotations will, of course, yield larger returns.

THE PROPOSED CHINESE MINING COMPANY.

(Concluded.)

Section 9 deals with estimates of the cost of working iron.

Chinese do not make much use of cast iron. Arsenals and artificers in iron employ chiefly wrought iron. Two sets of smelting furnaces for cast iron would turn out 600 tons per month. Twenty furnaces for wrought iron would produce 1,000,000 catties per month. The furnaces would cost, inclusive of freight and insurance, Tls. 200,000. The probable cost of conveyance of these furnaces to Kai-p'ing, setting them up, and erection of buildings, dwelling houses, &c., would raise the estimate to Tls. 300,000. They would produce annually 120,000 piculs of wrought iron, value, at present rates, Tls. 260,000 odd. The out-turn of cast iron would be 7,200 tons, value, at present rates, Tls. 140,000; or, the out-turn of the furnaces would amount together to

	Tls.
Wrought iron	260,000
Cast iron	140,000
Total Tls.	400,000
Deduct from the above, labour and capital Tls. 180,000	
Wages of Chinese and foreign workmen and Superintendents, with maintenance	50,000
Duties	30,000
Freight, porterage, and godown rent	40,000
	300,000
This leaves a balance of Tls.	100,000

Plant for coal mines, woodwork, and sheds for storage, with wages of foreigners, and purchase of many necessary appliances, would entail altogether an expenditure of Tls. 100,000. As, however, has been already shown, to work the coal at a profit, a railway must be constructed, and to construct a railway, iron must be procured. Iron and coal are inseparable, and should be worked together. The following estimate is therefore arrived at :—

	Tls.
Purchase of plant for working coal and iron	400,000
Railway, as by estimates given above	400,000
Total Tls.	800,000
Add profit on coal	75,000
" " " Iron	100,000
Total	365,000

Hence, in two years, the profits would cover the original outlay, and afterwards an annual income would be made of more than Taels 300,000.

(Note.—These last figures are somewhat ambiguous. It is first stated that Tls. 800,000 will be required, and immediately afterwards it is proposed to undertake operations with a capital of Tls. 600,000 only).

As operations involving so large an outlay should not be entered upon without great caution, specimens of the iron have been sent abroad to be analysed. If they should be found to reach a standard of forty or fifty per cent., machinery should be purchased. Mr. Tong King-sing awaits the report on the quality of the iron before making any suggestions as to the advisability of leaving the execution of his scheme in the hands of the Government, or vesting it in a company.

This closes the first Report.

Paper II is, like the preceding one, divided into various sections, the first of which embodies an analysis of the different specimens of coal and iron gathered at K'ai-p'ing. These are found to be of inferior quality to the best kinds of English coal and iron, but to compare so favourably with the medium qualities as to warrant their being worked. Mr. Tong King-sing is of opinion, however, that the responsibility and charge of so great an undertaking should be entrusted to competent agents, whose authority should be absolute and undivided, economy and caution being the two great principles to which chief prominence must be given.

Section 1 is followed by a series of short essays or arguments, pointing out the immense advantages to be derived by the adoption of the scheme proposed.

In No. 1 it is shown that Great Britain produces annually 3,412,000,000 tons of coal and 6,000,000 tons of iron, which, distributed over a population of 33,000,000 gives a yearly income of more than Tls. 10 per head. China derives no such income from her natural resources, although her population and area is ten times greater than that of Great Britain; but, on the contrary, pays away annually between six and seven million taels in the purchase of foreign coal. In China, reeds, stalks, and timber are chiefly used for fuel. One picul of coal is equivalent to several piculs of wood, and is much cheaper; a statement that is easily proved by the fact that coal, and not wood, is used for fuel in England. Cheapness of fuel means so much the more into the pocket of the poor man. The smaller the consumption of firewood, the cheaper and more plentiful timber becomes. Hence, production of coal in China will, in time, do away with the necessity for purchasing foreign timber, another outlet for Chinese capital.

No. 2 is a justification of the anticipations that are formed of the success of the mining scheme.

In commencing mining operations, whether in coal or iron, four conditions have to be considered :—

1. Quality.
2. Quantity.
3. Cost of labour and material.
4. Means of transport.

Ten years ago the annual out-turn of coal in England was only several million tons; it has now reached the enormous figure of 130,000,000 tons. The best coal realises Tls. 2.3; medium quality, Tls. 1.8; inferior quality, Tls. 1.3; and at these prices profits are large, for a miner's wages are 8 mace a day, and one man can raise daily 5 tons.

Iron sells just now in England at the pit's mouth for Tls. 2.3 per picul, best quality; medium quality for Tls. 1.7; inferior quality for Tls. 1.3. Steel fetches from Tls. 30 to Tls. 180 per ton. The cost of labour is now so heavy that little or no profits are made, and many workings are closed. Hence it may be concluded that there will be no further rise in prices.

Return to State Dept. of the Interior. Relative to 4 & 24 Jan. Peking

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K'ai-p'ing coal, though not of the best quality, is free from sulphur and other deleterious substances. The specimens analysed were gathered from the surface, and it may reasonably be inferred that the deeper coal will be much better. Granted that it will only command the same prices as inferior English coal, a fair margin of profit will still be obtained. Native miners can be engaged at one mace odd per diem; put down each man's average at only two tons a day, and the cost of production would even then be half that of English coal.

The iron compares favourably with inferior British iron, and even if it will not produce steel, will command English prices and yield a large profit. Chinese labour is cheap, and lime, coal, and charcoal, for smelting purposes, are procurable on the spot. A picul of wrought iron will cost to produce about Tls. 1; and if, as foreign experts declare, it will come up to medium English iron, and produce the inferior quality of steel, large profits will be made.

As regards quantity, this must be determined by experts.

Arrangements have been made to engage a mining expert from England at a salary of £1,000 sterling per annum, who will start for China immediately if telegraphed for.

Transport.—Lu-t'ai is 120 *li*, or about 45 miles, from K'aip'ing, with which it is connected by a good road. Cartage would cost about 200 *cash* per picul, and even were porters to be employed, a profit would be made. For large profits, however, a railway is required. It is easy to extract the coal, but what is wanted is the means of securing a constant issue; this can only be obtained by means of a tramway such as exists in Formosa, which would further serve to convey smelting machinery and other heavy plant.

No. 3 deals with estimates of the cost of the production of coal, and is for the most part a repetition of figures earlier given. The paper concludes with a statement that a boring machine has already been purchased, and suggests that a foreigner be engaged at a salary of £400 per annum to employ this machine in testing the coal districts, with a view to discovering the depth of the coal seams, the nature of the lower strata of soil, the depth at which water is found, &c., &c.

No. 4 deals with estimates of the cost of the production of iron, and, like the foregoing, goes over much old ground. The conclusion arrived at is, briefly, the following:—

To erect smelting furnaces and construct a small railway a few *li* in length, a capital would be required of Tls. 300,000. With these appliances, the out-turn of iron would be 15,000,000 lbs., which, after deducting cost of coal and labour, would yield a net profit of mace 4 or 5 per picul, or, say, an annual profit of Tls. 60,000 to Tls. 70,000. This, supposing the iron to realise only the same price as inferior British iron. Should the iron be equal to medium British, or were a railway constructed to carry it off, profits would be proportionately greater.

In reply to these representations, the Grand Secretary Li concedes the permission applied for, under the authority of an Imperial Decree of June, 1875, sanctioning the opening of mines at Tz'u-chow 磁州, and in Formosa. The Tz'u-chow mining scheme fell through in consequence of the difficulties in the matter of transport that presented themselves. The Formosa mines, however, have been worked with such success as to warrant the commencement of similar operations in Chihli. The mining engineer engaged by Mr. Hart to survey the coal districts at Wu Süeh 武穴 should be directed to proceed to K'ai-p'ing, and his powers put to the test. If he proves unequal to the duties that are required of him, other experts should be engaged to take his place.

A former Taotai of Tientsin called Ting, now awaiting a Provincial Judgeship, and Li, the present Taotai of Tientsin, are called upon to associate themselves with Tong King-sing. The three are to form a committee for the organisation of a financial scheme, and the arrangement of all preliminaries.

It would be tedious to follow in all their details the voluminous reports of these officers, which occupy many pages of the prospectus from which the *Shén Pao* obtains the papers it publishes; it will be enough to summarise the conclusions at which they arrive. These are, in brief, that a company should be formed under the following regulations:—

The Company shall be styled the *K'ai p'ing kung wu chü* 開平礦務局, and shall have exclusively for its object the working of the coal and iron in Kai-p'ing and the neighbourhood, with the preparation of iron, cast and wrought.

The capital shall consist of Tls. 800,000, divided into shares of Tls. 100 each, any number from one to a thousand being allotted to a single applicant. On application a sum of Tls. 10 per share shall be paid down, and a receipt shall be given for the number of shares secured. A further call of Tls. 40 shall be made in February, 1878 (the commencement of the Chinese year), and plant and machinery will then be purchased. The remaining Tls. 50 shall be payable in May, 1878, when the receipts for the first and second payments shall be called in, and proper scrip issued.

One coal mine shall first be opened, and two smelting furnaces for cast-iron, with twenty or thirty wrought-iron furnaces, erected, as well as hammers, and machines for drawing iron bars.

The whole outlay, which is to include purchase of land, erection of buildings, and construction of railroad, shall not exceed Tls. 800,000. Should the scheme hereafter prove profitable, more shares, to the extent of Tls. 200,000, shall be issued, raising the capital of the Company to Tls. 1,000,000. It shall not exceed this amount.

It shall be understood that holders of original shares shall have the first refusal of any new shares put on the market.

The management and direction of the Company shall, in the first instance, be vested in the Committee. When operations have commenced, they shall be at liberty to recommend the appointment, as coadjutors, of any *employés* whom they find to be able and competent. These shall succeed members of the committee (in the event of the retirement of the latter, or their removal to other ports) in the direction and management of the affairs of the Company.

The Company, although under official superintendence, shall be purely a commercial undertaking and shall be conducted on commercial principles. The *employés* in the higher branches shall be selected from amongst the shareholders. No officials shall be appointed in addition to those already delegated, nor shall Government clerks and such-like be employed. A daily record book shall be kept, and accounts made up monthly and yearly. The yearly accounts shall be published, and a copy furnished to each shareholder.

The annual profits of the Company shall be divided in the following manner:—

A fixed dividend of ten per cent. on each share shall first be paid.

One-fifth of the remaining profits shall be distributed as a bonus amongst the *employés* of the Company. The balance shall go to the shareholders.

The Superintendents and workmen in the employ of the Company shall have fixed salaries allotted to them. These shall be paid monthly, and no transfers of salary from one to another shall be made nor advances granted. Accurate accounts of all expenditure shall be kept, and all payments of the nature of donations, complimentary *douceurs*, and the like, will be disallowed.

Holders of shares to the value of Tls. 10,000 shall have the privilege of appointing a working superintendent, whose functions, emolument, &c., shall be determined by the management. He shall be liable to dismissal for incompetence or insubordination, but his patron shall be invited to appoint another representative. Godowns shall be erected at K'ai-p'ing and Lu-t'ai, for the storage of coal and iron. At Tientsin the godowns of the China Merchants' Company shall be hired at a rental hereafter to be fixed.

All coal and iron shall be sold at market rates, but the China Merchants' Company and the Arsenals shall have the right to purchase what they require before any is put on the market. The Company shall report to the proper authority whenever mines are opened on Government land, and the proper taxes shall be paid. Where land owned by private individuals is required, it shall be purchased at the proper price.

All coal and iron shall pay inland duty, and, similarly, the usual duty shall be paid on that which is exported for sale. A *lekin* duty of 5 candareens per picul shall be paid on wrought iron, and 3 candareens per picul on cast iron; on coal the *lekin* shall be 1 candareen per picul.

The above suggestions were submitted to the Governor-General, who replies at some length, accepting, with a few slight modifications, the regulations drawn up by the Committee.

A form of scrip was then prepared, and a prospectus issued, from which the foregoing summary is taken.

The various branches of the China Merchants' Steam Navigation Company are authorised to receive payment and application for shares.

ERRATUM.—In the précis of section 2, published Tuesday, by a printer's error Mr. Morris is made to estimate the quantity of coal in the district referred to, at 6 million tons. It should be 60.

Ack'd May 25—

W Payson—

No. 425.

United States Legation,
Peking, March 22nd, 1878.

FOREIGN Relations 78

Copy sent to Gen'l Garfield

George F. Seward. to
the Secretary of State.

Subject.

The Chinese in California.

Synopsis.

Mr. Seward is of opinion that it would be unwise for Congress to legislate in such manner as to abrogate any part of our treaties with this Empire, and that we are not in position to negotiate treaty stipulations for the control of immigration; that, at the most, we could

could do no more than negotiate for such a revision of the treaties as would leave us free to deal with the Chinese question in the usual course of legislation. Is not hopeful that the Chinese Government would agree to such a revision, but dwells upon the circumstances of our relations with China to show that we could advance to the negotiation with a certain degree of strength.

No. 425.

United States Legation.

Peking, March 22nd, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

It is evident that the presence of Chinese in our Pacific States is giving rise to much anxiety there, and that the questions involved are becoming national. It is almost equally clear that it is still too early to say what conclusions will be reached by the country.

It is not my part to express an opinion as to what those conclusions should be. It may be appropriate, nevertheless, for me to state certain considerations

considerations which, in my judgment, should not be lost sight of.

The proposition has been advanced that it is competent for Congress to abrogate, by legislation, those parts of our treaties with this Empire which provide that Chinese may resort to the United States, and enjoy there the privileges accorded to subjects of the most favored nation.

Without raising a question as to the merit of this proposition, I may present for your consideration the fact that it may be inexpedient to proceed in this way. I take it for granted that we would not do this in any case, excepting as a last resort. There are reasons, however

however, why we should be more careful to avoid such a course, where our relations rest upon the basis of treaties wrested from the other party by the exercise or display of force, and from which they would gladly withdraw, if allowed to do so.

It is true that our own treaties were procured in the ordinary course of peaceful diplomatic negotiation, but it is well known that those negotiations became possible, only because other Powers had been in the field with fleets and armies. It is equally well known that many occasions have arisen in the course of the foreign relations of the Empire, when very earnest language has been used to her, and she has been

been made to feel the danger of disregarding the rights and privileges secured to foreigners under the treaties.

Would it not be unwise, then, for us to set China the example of an arbitrary and wilful violation or abrogation of the treaties, or any part of them. Would it not, indeed, imperil all our relations with the Empire, and afford a certain ground of reproach against us by China, and by all the Powers which are interested here.

On the other hand, we are not, as I judge, in position to undertake negotiations for the abrogation of existing treaty stipulations, and for the substitution of others intended to define the lines within

within which the immigration of Chinese into the United States may be permitted. As I have said, the country has not yet passed upon the question whether we ought to disavow, to use the language of one of our treaties, "the inherent and "inalienable right of man to "change his home and allegiance, "and the advantages of free "migration". The most which can be said is that it may be "desirable to secure such a revision of our treaties as will leave us free to deal with the question of Chinese immigration in the ordinary course of legislation.

With the question whether it is expedient to attempt this even,

I

I shall not concern myself. If we do, we may subject ourselves to criticism indeed, but we shall proceed in an honorable way, and with a right regard to the sanctity of existing treaty stipulations, and of our responsibilities in this respect to the people of our own, and of all other countries. It is appropriate, however, that I should express an opinion whether such a negotiation could be expected to succeed.

From the diplomatic point of view, we have always been at a disadvantage in dealing with China. We have, voluntarily, accorded to her people within our borders the privileges of those of the most favored nations. China, however, has yielded only a few

few privileges to our people, and we are constantly obliged to resort to diplomatic representations, to secure to them the enjoyment of even these. As a consequence, we are always asking something from China, while she has nothing to ask from us. If, however, it has now become an object for her to secure for her people in our country the privileges so freely accorded to them, the situation has changed, and may be taken advantage of in all future negotiations.

A very few words are needed to indicate the lack of reciprocity between us. I think that there are no opportunities of residence, or of enterprise, from which the Chinese among

among us are debarred. They can go where they will, and do what they will, in all our broad domain. But it is not so here. Our countrymen may reside in a few cities only, and they may engage in no enterprises outside of the ordinary interchange of commodities, and their transportation between defined points. Opportunities exist to develop mines, to establish furnaces and factories, to construct roads, canals, railroads and telegraphs, to operate these, and steam or other vessels, on many routes not now open to them, but from all these and many other important branches of enterprise we are effectually, and perhaps hopelessly shut out.

Perhaps, then, the time has arrived

arrived when we may say to this Government that we expect a more perfect reciprocity and that, if our people cannot be admitted here to all the privileges enjoyed by theirs in our country, they must not blame us if we demand such a revision of our treaties as will leave us free to meet the necessities of our situation.

It is very certain that China would not consent to the extension of the privileges enjoyed by foreigners in this country, and it is possible that, rather than do this, she would agree to such a revision of our treaties as I have indicated.

But if she should not do

so

so, and should plant herself firmly on existing treaties, refusing to grant to us anything, or to assent to the withdrawal of any privileges from her people, we would have proceeded, nevertheless, as I have said, in an honorable way, and could then consider the whole situation, and determine the policy which would most conduce to our welfare.

I submit these remarks, with perfect deference to the views of others, and in particular to those which may be held by the Government, and in ignorance of the course of the discussion at home for the last three months.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Instruction to answer Canton June 5/78 ordering transfer of Swatow.

Mr Bayard & Mr Wood.

Put and approve if no objection appears. JC

Answered June 20.

No. 426. Three Enclosures.

United States Legation,

Peking, March 22nd/4, 1878.

George F. Seward to

the Secretary of State.

Subject

Swatow Consular Agency.

Synopsis

Mr. Henderson advises that Swatow be made a dependency of Canton. Mr. Seward approves, and requests Mr. Lincoln to nominate an Agent. The post is vacant and the British Consul at Swatow is acting temporarily. Encloses correspondence

No. 426. Three Enclosures.

United States Legation,

Peking, March 22nd, 1878.

Honorable William M. Evarts,

Secretary of State.

Sir:—

I have the honor to transmit to you herewith, a copy of Mr. Henderson's despatch, number 74, to this Legation. I have asked H. B. M. Chargé d'Affaires to continue in Mr. Gregory's hands the temporary charge of the Consular Agency at Swatow. 1/426

Regarding Mr. Henderson's statement that it is desirable to make Swatow a dependency of Canton, I may say that I advised

the

the same opinion to the Department in my despatch, number 145, to which I now beg leave to recall your attention. The moment appears opportune to effect the transfer of authority, and I have so advised the Consuls at Amoy and Canton, requesting the latter to nominate an Agent for the Port at his earliest convenience.

I have the honor to be,

Sir,

Your obedient servant.

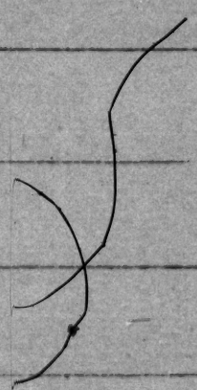
Geo. F. Seward

Enclosures.

1. Mr. Henderson to Mr. Seward No. 74. March 4th, 1878.

2.

2. Hon. Seward to Hon. Henderson
No. 48. March 14th, 1878.
3. Hon. Seward to Hon. Lincoln
No. 34. March 14th, 1878.



Despatch No. 426.
Enclosure 1.

Mr. Henderson to Mr. Seward.
No. 74. Amoy, March 4th, 1868.

Sir:—

Recently I visited Swatow for the purpose, if possible, of making some permanent disposition of the Consular Agency at that Port, now vacant. I was unable, however, to find any American citizen in the place, willing to accept the position, whom I could recommend as a suitable person, and therefore was under the necessity of asking Mr. Gregory, H. B. M. Consul, to take temporary charge of the seal and archives, and act as United States Consular Agent until further notice. This he kindly consented to do, on the understanding that the matter would be referred by us, to our respective Ministers at Peking for their approval. Will you be good enough to give Mr. Gregory the necessary permission to act for us temporarily, if practicable. Meantime, if he finds he can accept

&c

the appointment of Consular Agent, I will send forward his name, and, at the same time, earnestly beg the Department to make Swatow a dependency of Canton. There are a number of reasons why this should be done, among them, that Swatow is in the Canton Province.

I respectfully solicit your support for this recommendation. It is unfair to me that I should have the work of all these ports, and pay my own expenses, as I have done in the past, without one cash compensation for it.

I have etc,

(Signed) J. J. Henderson

Despatch No. 426.
Enclosure 2.

Mr. Seward to Mr. Henderson.
No. 48. March 14th, 1878.

I have had the honor to receive your Nos. 74. 75. and 76.

I have asked Her Majesty's Chargé d'Affaires to authorize Mr. Gregory to continue the charge of our Consular Agency at Swatow until further notice, and he has consented.

I approve your proposal to make Swatow a dependency of Canton, and will instruct Mr. Lincoln to nominate an Agent. Until I have approved Mr. Lincoln's nominee, Swatow will remain under your charge.

I am, &c.
(Signed) George F. Seward.

Despatch No. 426.
Enclosure 3.

Mr. Seward to Mr. Lincoln.
No. 34. March 14th, 1878.

Sir:

Mr. Henderson recommends that Swatow be included within your jurisdiction. I approve this recommendation, and shall, at once, advise the Department accordingly.

At present, the Agency is vacant, and Mr. Gregory, H.B.M. Consul, has temporary charge of it. I think it will be well for you to nominate an Agent so soon as you can conveniently do so. I shall be able to give a temporary appointment to such person as may be named by you, and approved by the Consul General. Until I shall have approved your nomination of an Agent, Swatow will remain under the jurisdiction of Mr. Henderson.

It is possible that Messrs. Olyphant & Company may make Swatow a point of departure of their Peruvian steamers, and may have

occasion

occasion to transact their business
through our office.

Yours, etc.,

(Signed) George F. Seward

How does this matter stand. Wm. H. Wood

Telegram

Shanghai March 28. 1868.

Secretary Evarts.
Washington.

Advise that Vice Consul General assisted by Ningpo and Tien-Tsin Consuls, and two Naval Commanders, examine publicly charges against B Bradford, for violation Mail and Maleficience, and report Washington.

Do you approve ?

Seward.

REPORT

Mr Payson

The Instruction to Mr. Bradford, ordering him to report in person to the Department was dated Febuary 18th, and was probably recd. at Shanghai about the 4th instant.

The suggestion of a Commission to make a public examination into the charges against him, as submitted by Mr. Seward in the annexed telegram, seems a very proper one. It is believed, however, that it would also be well that Bradford should also appear before the Department, when the entire case can be reviewed.

A. B. W.

Apl. 16. 1878.

Telegraph to Seward to ask whether Bradford has started to us. Done April 20

Separate. Red 16. Mood

DEPARTMENT OF STATE
MAY
3
1878
RECEIVED

Shanghai. March 25th 1878.

Mr George F. Seward.
To the State Department.

Subject.
Charges against Mr Bradford.

Synopsis.
Mr Seward has reached Shanghai and has telegraphed to the Secretary of State proposing the appointment of a Commission to examine the charges. Gives his reasons for proposing this course.

Separate.

Shanghai. March 25th 1878.

Honorable William M. Evarts.

Sir.

I reached here on the 22d instant having been delayed at Peking by the late opening of navigation.

On the 23d I sent to you a telegraphic message, as follows:

"Secretary Evarts. Washington. Advise "that Vice Consul General, assisted by Minister "and British Consuls and two naval Commanders, Examine publicly charges against "Bradford for violating mail and malfeasance. and report Washington." Do you approve."

I spoke to Mr Bradford before I sent this message and he authorizes me to say, in regard to the trial of October, that he could be able to prove that he had in his possession in the latter part of March 1877

1847, a copy or duplicate of the letter addressed by Dr. Macgowan some three months before to General Rogers. As that copy was in Dr. Macgowan's handwriting, and as General Rogers has publicly stated that the original letter was received in due course of the mail there seems no reason to believe that the Bradford violated the mail, a charge indeed which was not sustained by the Evidence adduced at the trial. How far the possession of the letter was defendable can only be judged when all the facts are made patent.

He authorizes me to say further, in regard to the indictment of Governor, that he retained no fees, so far as his knowledge extends which were not honestly considered by him to be unofficial, that the funds in the French Bank were the outcome of the sale of his drafts on the Government in settlement of his accounts for the 2nd quarter of 1847, and in no sense Government money, and that in the matter of judicial fees he followed the Regulations to the best of his knowledge and judgment. Which I am

not

not able at the moment to express
an unreserved opinion in regard to these
statements I know positively that a
large part, by far the greater part, of
the charges against him made in the
indictments of November were unfound-
ed and unnecessary.

Under these circumstances
it is manifest that Mr Bradford
is entitled to a thorough and impar-
tial examination of the various complaints
made against him.

This examination might be
made judicially. In the matter of Octo-
ber Mr Bradford would be entitled as
I believe to have the proceedings receiv-
ed in the Ministerial Court and judg-
ment given there, or the case remanded
with instructions to the Canadian Court.
In the matter of November he might
very well claim that his plea, was in
fact and in law a plea of not guilty
and demand a trial.

I have thought however that
the interests of the Government, and all
other interests involved would be more

respectfully

perfectly secured by the course proposed in my telegraphic message. In case of the escape I have a decided personal concern. The Consular Court constituted with associates chosen by both might not command the respect which the gravity of the case demands. The Commission indicated would however command universal respect, especially if proceeding as I suggest. before the eyes of the public, openly. There has been delay enough already, and the culprits should receive prompt attention as the spot where all the evidence may be found.

I fully understand of course that the results of such an inquiry would be administration ag. and that Mr Bradford will be obliged to resort to the Courts to secure relief from the position in which he has been placed under the forms of the law.

I have the honor to be

Sir.

Your obedient servant

Geo. F. Seward.

Mr Payson

Ask May 25.

No. 427.

United States Legation,
Peking, March 25th, 1878.

George F. Seward to
the Secretary of State

Subject.

Receipt of instructions.

Synopsis.

Department instructions, numbers 205. to 208. inclusive have been received.

No. 427.

United States Legation,
Peking, March 25th, 1878.

Honorable William M. Evarts,
Secretary of State.

Sir:

I have the honor to acknowledge the receipt of your instructions, numbered 205. 206. 207. and 208. respectively.

I have the honor to be,
Sir,
Your obedient servant.
Geo. F. Seward

W. Payson
Col. Morgan

No. 428. One Enclosure.

United States Legation.
Peking, March 30th, 1878.

George F. Seward to
the Secretary of State.

Subject.

Salary account.

Synopsis.

Forwards a duplicate statement of salary account for current quarter. Mr. Seward has drawn for balance due after deducting a sum, reported in his number 400 due the Government for passports.

Orignl to Auditor May 17. 1878.

FM

No. 428. One Enclosure.

United States Legation,

Peking, March 30th, 1878.

Honorable William M. Evarts,

Secretary of State.

Sir:—

I have the honor to hand to you herewith, in duplicate, my account for my salary for the first quarter of this year. 1/428.

You will notice that I have deducted from the amount due to me the sum of sixty five dollars, that being the amount due to the Government for passports.

I have the honor to be,

Sir,

Your obedient servant.

Thos F. Seward

Enclosure

Enclosure.

1. Duplicate salary account for quarter ending March 31st, 1878.

Ans. May 25

send one to Library of Congress
Aid to Purpose
May 20.
Duplicate

No. 429.

United States Legation,
Peking, April 1st, 1878.

DEPARTMENT OF STATE
MAY
16
1878
RECEIVED

George F. Seward
to
the Secretary of State.

Subject.

Chinese version of Woolsey's Introduction to International Law.

Synopsis.

Forwards two copies, under separate cover, and suggests that one of them be presented to the Smithsonian Institute.

No. 429.

United States Legation,
Peking, April 14, 1878.

Honorable William M. Evarts.
Secretary of State.

Sir:-

Recurring to my despatch, number 406, in which you were informed of the publication, under the auspices of the Foreign Office, of a Chinese translation of "Woolsey's "Introduction to International Law," I have now the honor to hand to you, under separate cover, two copies of the work in question.

I beg leave to suggest that, in case it meets with your approval, one copy be given to the

Smithsonian

Smithsonian Institute.

I have the honor to be,

Sir,

Your obedient servant.

Wm H. Seward

Let the Minister be written accordingly. JWB

Mr Conner
&
Mr Bryson
did so May 25.

No. 420 Two Enclosures.

DEPARTMENT OF STATE
MAY 16 1878
RECEIVED

United States Legation,
Peking, April 2nd, 1878.

George F. Seward to
the Secretary of State.

Subject.

Claim of Russell & Company at Hankow.

Synopsis.

Forwards translation of a later despatch from the Foreign Office, in which Mr. Seward's request that the Intendant be instructed to try the case in the presence of the Consul is acceded to.

No. 430. Two Enclosures.

United States Legation,

Peking, April 2nd, 1878.

Honorable William M. Evarts,

Secretary of State.

Sir:—

Recalling your attention to my despatches numbered 417 and 423, in which I communicated to you certain correspondence had with the Foreign Office in regard to a suit brought by Messrs. Russell & Company of Hankow, against a Chinese subject, and in which the position assumed by the Intendant of Circuit at that Port, was tantamount to a denial of justice to our people, I now have the

honor

1/430. I have to hand to you a further despatch from Prince Kung, in which, as you will observe, he yields assent to my request that the Intendant be instructed to try the case in the presence of the
2/430 Consul. I also enclose a copy of my despatch to Mr. Shepard informing him of the result arrived at, and requesting him to exercise care in securing full records of the trial.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Enclosures.

Enclosures.

1. Prince Kung to Mr. Seward
19/1878. March 14th/4, 1878.
2. Mr. Seward to Mr. Shepard
No. 46. March 30th/4, 1878.

Despatch No. 430.
Enclosure 1.

19/1878.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication in reply.

Upon the 11th instant, I had the honor to receive Your Excellency's note in the matter of Messrs. Russell & Company of Hankow versus Lin Hsing-fa, again requesting that the Intendant be instructed to try the case in the presence of the Consul. A statement was also made by Mr. Secretary Holcombe, at this Office, to the effect that the judgment of the case rested with the Taotai, that a joint trial with the Consul was not demanded, but that, in accordance with the stipulations of the Chefoo Convention, at the time of hearing the case by the Taotai, the Consul must be permitted to attend and watch the proceedings in the interests of justice; and that the Taotai should name a day for trial when the Consul could attend to watch the case, and could require the presence of the foreign firm concerned

concerned, with their three Chinese employees, for examination, etc. etc.

I have directed the Viceroy of Hunan and Hupeh to instruct the Hankow Intendant to take this course, as I beg leave to inform You.

H. E. George F. Seward
etc. etc. etc. etc.

Peking March 14th, 1878.

Despatch No. 1430.
Enclosure 2.

Mr. Seward to Mr. Shepard.
No. 116. March 30th, 1878.

Sir:—

I beg leave to transmit to you herewith letters which have passed between this Legation and the Foreign Office in regard to the case of Russell & company versus Shen Taoshan.

You will observe that the Prince agrees to send orders directing the local Authorities to try the case in your presence. As it is possible, if not probable, that you may differ from the conclusions of the Intendant, it is very desirable to procure a very careful record of the proceedings. In this connection, I beg leave to refer you to my despatch, number 36, regarding the procedure to be observed on the trial of mixed cases.

I am, &c.

(Signed) George F. Seward

W Payson
To Committee Dec 19-78

Separate.

DEPARTMENT OF STATE
MAY 16 1879
RECEIVED

Shanghai. April. 8, 1878.

Mr George F. Seward.
to the State Department

Subject.
— Mr Myers charges &c.

Synopsis.
Mr Seward has received instruction No. 109 and will respond to it at an early moment. Mr Bradford has been considered from the charge of violating the mail and will be able to readily his defence against the malicious calumnies of his unscrupulous adversaries soon.

Acknowledge approving course

Answ. accordingly July 31.

W Payson

No. 431. Six Enclosures.

United States Legation.

Peking, April 8th, 1878.

George F. Seward to

the Secretary of State.

Subject.

Passports.

Synopsis.

The Intendant of Circuit at Foochow having refused to countersign certain passports issued by this Legation, Prince Kung, at the request of Hon. Seward, sent orders to Foochow, and at a later moment, to all the ports, requiring that such documents be dealt with in accordance with

with Treaty stipulations. Copies of the correspondence enclosed.

No. 431. Six Enclosures.

United States Legation,

Peking, April 8th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:-

In the accompanying enclosures, 1/6/431
six in number, I have the honor to
hand to you copies of a correspondence
which has taken place between the
Consul at Foochow, this Legation, and
the Foreign Office, because of the
refusal of the Intendant of Circuit
at Foochow to countersign certain
passports issued by this Legation.

You will notice that Prince
Kung complied promptly with my
request, and sent orders to the

Fuhkien

Yuhsien Authorities to deal with the documents in question in accordance with treaty stipulations, and, at a later moment, sent through the Northern and Southern Superintendents of Foreign Trade, general instructions of the same tenor to the local " authorities at all the ports.

With reference to the remark made by Prince Kung, in enclosure number 3., that I did not notify the Foreign Office in order that it might instruct the Provincial " Authorities, that passports for " American citizens would be issued from this Legation only, I ought perhaps to observe that I did not notify him, partly because a refusal on the part of any local authorities

to

to countersign such passports was not anticipated. And the fact that the Foreign Office has, on several occasions suggested such modifications in the form of the passports now commonly in use, as would, if accepted, seriously obstruct and lessen the privileges of interior travel accorded to our people by the treaties, made it seem best at the time, not to address the Prince on the subject, lest, by so doing, a revival of former discussions should be invited.

I have the honor to be,

Sir,

Your obedient servant.

F. Low

Enclosures.

Enclosures.

1. Mr. de Lano to Mr. Seward.
   No 97. February 25th, 1878.
2. Mr. Seward to Prince Kung
   17/1878. March 15th, 1878.
3. Prince Kung in response.
   21/1878. March 21st, 1878
4. Mr. Seward to Mr. de Lano
   No. 55. March 25th, 1878.
5. Mr. Seward to Prince Kung
   23/1878. April 2nd, 1878.
6. Prince Kung in response.
   26/1878. April 7th, 1878.

Despatch No. 431
Enclosure 1.

Mr. Le Gendre to Mr. Seward.
No. 97. Foochow, February 25th, 1878
Sir:—

In my despatch, No. 96, of date the 13th instant, I mentioned that I had applied to the Consulate General for passports for two Americans to travel in the interior.

The documents came duly to hand, and on the 22nd instant, I sent them to the Intendant for his seal, stating in a despatch which accompanied them that, in accordance with a recent order issued from the Department of State, all passports for American citizens must be issued from the Legation at Peking, and that I was directed by H. E. the Minister, to procure upon the documents the seal of the Intendant of Circuit.

On yesterday the documents were returned to me, with a despatch referring to the Treaty, and reciting the custom which has always prevailed at this port, as to the issuing of passports, and declining to depart from the

established

established usage, without specific instruction from the Tsung li Yamen to do so.

This action of the Intendant is likely to cause great inconvenience to our missionaries at this Port, nearly all of whom, at this particular season, desire to start on a semi-annual visit to their respective stations inland.

I shall hope to hear from the Legation, at an early day, as to what course I should pursue in the matter.

I have the honor to be,

Sir,

Your most obedient servant.

(Signed) M. W. Le Gendre.

U. S. Consul.

Despatch No. 431.
Enclosure 2.

17/1878. March 15th, 1878.

Mr. Seward to Prince Kung

Sir:—

Sometime since I received an instruction from the Government at Washington, directing me to request the Consular Officers of the United States in this country not to issue passports for our people to travel in the interior, and to issue all such passports myself.

I am now informed by the Consul at Foochow that the local authorities refuse to countersign a passport issued by me, which has been presented to them by him.

I beg leave, therefore, to call your attention to treaty stipulations on this subject, and more particularly to the 8th Article of the French Treaty, the first clause of which reads as follows:—

"Frenchmen who desire to go into the cities "of the interior, or into ports which are not "open to foreign ships, can do so, if provided "with passports, prepared in French and "Chinese, delivered by the Diplomatic "Agents, or the Consuls of France, in China,

and

"and visé by the Chinese Authorities".

I shall be obliged, therefore, if if you will instruct the authorities at Soochow to countersign such passports, issued from this Legation, as shall be presented to them by the Consul for the purposes.

I have &c.

(Signed) George F. Seward.

Despatch No. 431.
Enclosure 3.

2/1878.

Prince Kung, Chief Secretary of State for Foreign Affairs herewith makes a communication in reply.

Upon the 15th instant I had the honor to receive a despatch from G. E. stating that some time since you received an instruction from your Government directing you to request the Consular Officers not to issue passports for your people to travel in the interior, but to issue them yourself, and that you are informed by the Consul at Foochow, that the local " authorities refuse to countersign a " passport issued by you which he had presented to them. G. E. calls my attention to the 8th Article of the French Treaty, and requests me to instruct the Foochow Authorities to countersign such passports hereafter when presented to them, etc. etc.

In response, I beg leave to observe that in regard to the issue of passports for travel in the interior, all the treaties mention them, as to be sent to the local

authorities

authorities for seal. But the French treaty alone, in its 8th Article, specifies that such passports, written in French and Chinese, may be issued by either the Minister or the Consul, being thus slightly different in its wording from other treaties.

Y. E. now states that you have received an instruction from your Government that such papers should be issued by yourself alone, and while you informed your Consular Officers to that effect, you did not notify this Office, in order that it might instruct the Provincial and local Authorities, and hence they had no information in the premises.

In reference to the passport presented to the Foochow Authorities Y. E's despatch does not indicate whether it was written in the two languages, as specified in the French treaty, nor to what local authority it was presented for countersignature.

An instruction has been sent

to

to the Provincial Authorities at Foochow, covering a copy of Y. E's despatch, and directing them to instruct the local officers to act in accordance with the stipulations of the treaties in the case, and I have the honor to inform Y. E. to this effect, and to request an answer on the points indicated.

H. E. George F. Seward,
etc. etc. etc. etc.

Peking, March 21st, 1878.

Despatch No. 431.
Enclosure 4.

Mr. Seward to Mr. Le Sano.
No. 55. March 25th, 1878.

Sir:

I have the honor to acknowledge the receipt of your number 99, covering a full report upon "The Jones land case", which will have early attention.

Reverting to the refusal of the Intendant at your port to countersea a passport issued by this Legation, as stated in your number 99, I have presented the case to the Foreign Office, and been informed in reply that instructions had been sent to the Fukien Viceroy to see that all passports issued by the Legation, in English and Chinese, be countersealed by the proper local authorities on presentation by you. Please be so good as to send the passports in question to the Intendant again, and report if further objections are raised against affixing the Chinese seal.

I am, etc.

(Signed) George F. Seward

Despatch No. 431.

Enclosure 5.

Mr. Seward to Prince Kung

2 3/1878. April 2nd, 1878.

Sir:

I beg leave to acknowledge with thanks, the receipt of Y. I. H.'s note of the 21st ultimo, in reply to my communication of an earlier date, with regard to passports.

In it Y. I. H. observes that, although I had notified the Consular Officers that in future passports were to be issued by me alone, I did not notify the Foreign Office, in order that it might instruct the Provincial Authorities, and hence they had no information in the premises. You further state that in regard to the passports immediately in question, any earlier despatch fails to state whether they were written in two languages, as required by the French treaty, and to what local authorities they were sent for countersealing, etc., etc.

In response I have the honor to state that the documents in question were made out in English and Chinese, and were presented by the Consul to the

Grain

Grain Intendant, Yeh, who has also charge of foreign matters at the port of Foochow, for countersea.

I have the honor to request that H. I. M. will send instructions to the various Provincial Authorities, that, in future, all passports for use by Americans in the interior, will be issued by this Legation.

I have, etc.

(Signed) George F. Seward

Despatch No. 431.
Enclosure 6.

20/1878.

Prince Kung, Chief Secretary of State for Foreign Affairs, herewith makes a communication in reply.

Upon the 15th of March last, I had the honor to receive a despatch from Y. E. informing me that local authorities at Yochow had refused to countersign passports for use in the interior by your people. Thereupon I directed the High Authorities of that province to instruct the local authorities to deal with such documents in obedience to the stipulations of the treaties, as I, at the moment, informed you.

Although I have not yet received any response to my instruction sent as above stated, I am now in receipt of a further note from Y. E. stating that the passports presented to the local authorities were prepared, as required by treaty, in Chinese and English, and requesting me to instruct the various Provincial Authorities, that, in future,

all

all such passports for American citizens, will be issued by H. E. etc. etc.

I have, accordingly, transmitted a copy of H. E's late note to the High Authorities of Fuhkien, and have directed the Northern and Southern Superintendents of Foreign Trade to transmit orders to all local officers at the various ports, to deal with such passports in accordance with the requirements of treaty stipulations.

H. E. George F. Seward
etc. etc. etc. etc.

Peking, April 7th, 1878.

Mr Payson
Col. Morgan

United States Legation,
Peking. April 13th, 1878.

Chester Holcombe to
the Secretary of State.

Subject.

Account for salary.

Synopsis.

Forwards statement of salary account from July 1st 1877. to March 31st, 1878, with the usual vouchers.

Cert. & Auditor
T. M.

United States Legation,

Peking, April 15th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Recurring to my despatch of October 6th, 1877, I now have the honor to hand to you a further statement of my account for salary from July 1st 1877. to March 31st, 1878, with the usual certificates of sale of my drafts.

Duplicate papers will be sent by the next mail.

I have the honor to be Sir, Your obedient servant

Chester Holcombe

Enclosure

Enclosure.

1. Statement of salary account.
July 1st, 1877 to March 31st, 1878.

Ack Aug. 7. Mr Adee

No. 432.

United States Legation.
Peking, April 16th, 1878.

George F. Seward to
the Secretary of State.

Subject.

Forwards Customs returns.

Synopsis.

Forwards two copies of the "Customs Gazette", number 36. October - December, 1877.

No. 432.

United States Legation.

Peking, April 16th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

I have the honor to hand to you herewith, under separate cover, two copies of the "Customs Gazette" "No. 36. October—December, 1877.", published by order of the Inspector General of Customs.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Telegram

Press
Given to press
Ap. 30. 1878
ALH

McPherson

Evarts. Washington.

Famine will continue Six Months- Funds wired Can be disbursed by foreign Committee or Commission Appointed Peking-

Seward.

Recd at Department
April 22. 1878.

Telegram

DEPARTMENT
RECEIVED
MAY
8
1878
OF STATE

Shanghai May 1878.

Evarts.

Secretary.

Washington.

Minister Seward says he cannot reach Washington before Congress adjourns will appear first November.

Isabel.

Recd at Dept of State.
May 4. 1878.

Telegram.

Shanghai May 7, 1878.

Evarts,
Secretary,
Washington.

Seward returned Peking.

Stahel.

Telegram.

Shanghai, May 9, 1878.

Evarts,
Secretary,
Washington.

Messenger leaves
to-night.

Stahel.

Ack' Aug.t 7 Mr Aden

No. 433.

United States Legation
Peking, May 13th, 1878.

DEPARTMENT OF STATE
JUL
6
1878
RECEIVED

George F. Seward to
the Secretary of State.

Subject

Receipt of Department despatches.

Synopsis

Department instructions, numbers 209. to 221. inclusive, have been received.

No. 433.

United States Legation.

Peking, May 16th, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:-

I have the honor to acknowledge the receipt of your instructions, numbered respectively 209. 210. 211. 212. 213. 214. 215. 216. 217. 218. 219. 220. and 221.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward.

Mr Adee

The paper to which you refer is not a bill or account of repairs - merely a statement. Mr Williams, the owner of the property pays for repairs.

See Mr Rewards No 144, dated Oct 20th 1876.

Col. Morgan.

Mr. Williams only pays $600 per annum, while the statement shows a much larger expenditure, over $2500 for 18

Mr A.

months. The statement shows a deficit carried forward. Who is responsible for this? Ought not Mr. Seward or the Chargé be instructed to keep the repairs within the terms of the lease?

aal.

No. 434. Two Enclosures.

United States Legation

Peking, May 15th, 1878.

DEPARTMENT OF STATE
JUL 6 1878
RECEIVED

George F. Seward to

the Secretary of State.

Subject.

Legation rent and repair accounts.

Synopsis.

Forwards statement of rent account for quarters ended December 31st 1877, and March 31st, 1878, and of repairs from origin of lease to December 31st 1877.

as may be required, to the extent of
$600. a year. From time to time
repairs, etc. have been made in
pursuance of this stipulation, and
2/434. I now hand to you a statement
of the sums expended down to
the 31st of December last.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Lewis

Enclosures.

1. Legation rent account for quarters
ended Dec. 31st 1877. and Mar. 31st, 1878.
2. Statement of repairs made from
origin of lease to December 31st, 1877.

Despatch No. 434.
Enclosure 2.

Statement of repairs
upon Legation premises.
July 1st 1875
to December 31st 1877.

United States Legation in a/c

1876				Dlrs.	
June 30	To paid for trees, shrubs, etc		#	29	15
" "	" hardware — Ministers house			3	19
" "	" Builder Li's bill for repairs, alterations, etc, on Ministers house and outbuildings, laying walks, etc			988	34
" "	" Chinese paper and paper hanging			66	64
" "	" painting Ministers house & outbuildings			75	
Oct. 30	" freight on wall paper			1	25
" "	" wall paper — Secretary's house			49	50
Dec. 31	" " " Ministers " "			82	25
" "	" " " " " "			45	
" "	" Chinese paper & hanging " "			46	76
" "	" Builder Li's bill for repairs, to Secretary's house			267	22
" "	" bells & bell hangings			113	25
" "	" hardware			8	08
April	" painting rear of Secretary's house			44	
"	" trees, shrubs, etc			17	34
Oct. 26	" papering Ministers house & Chinese office			21	76
Dec 31	" bill for flooring office leveling ground, preparing flower pit, etc			188	74
" "	" Chinese Office Tael. 150				
	" " porch " 48		say	363	30
	" walling up storeroom " 29				
	" Petty repairs " 27.30				
" "	" blinds & paint for Ministers house			189	75
" "	" freight on blinds			6	
			#	2506	52

with Current Building Repairs.

		Cr.	
1876			
April	By old material	$ 305	55
May 4	" cash	250	00
June 30	" "	150	
Dec. 31	" "	600	
1877			
Dec. 31	" "	600	
" "	" balance forward.	600	97
		$2506	52

Memorandum.

Balance forward	$ 600	97
Deduct for Chinese Office and Porch	282	86
Net balance forward	318	11

E. & O. E.

S. Wells Williams
by his attorney in fact
Chester Holcombe

Peking, March 11th, 1878.

Approved.
Geo. F. Seward.
C. T. Newcastle
Peking. March 12. 1878.

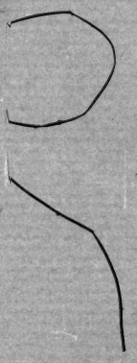
Telegram.

Shanghai, May 18, 1878.

Evarts,
Secretary,
Washington.

Messenger has not returned. Bradford leaves twenty-fourth.

Stahel.



Mr Adee

Col Morgan

No. 435. One Enclosure.

United States Legation

Peking, May 21st, 1878.

DEPARTMENT OF STATE
JUL 17 1878
RECEIVED

George F. Seward to

the Secretary of State.

Subject

Account for telegrams.

Synopsis.

Forwards a statement of cost of certain telegrams, for the amount of which Mr. Seward has drawn upon the Secretary of State.

No. 435. One Enclosure.

United States Legation,

Peking, May 21st, 1878.

Honorable William M. Evarts.

Secretary of State.

Sir:—

Recurring to your instruction, number 217., in which I was authorized to draw upon you for the cost of certain telegrams sent to the Department, I have now the honor to hand to you a statement of the cost of the messages sent, with the usual vouchers. 1/435.

I have this day drawn upon you for the amount due, say $286.03, and beg that my draft may be honored upon presentation

Presentation.

I have the honor to be,

Sir,

Your obedient servant.

Geo. F. Seward

Enclosure.

1. Account for certain telegrams.

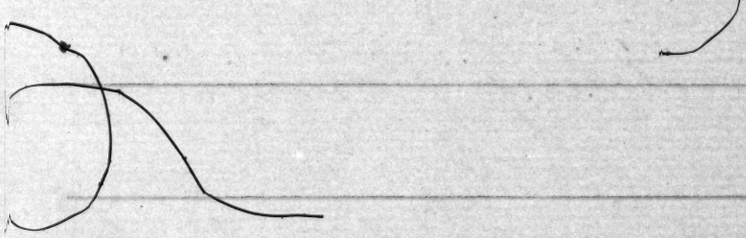
Telegram.

Shanghai, May 23, 1878.

Evarts,
Secretary,
Washington.

Seward writes; Telegraph, shall sail middle June, no earlier departure available. Requests delay Committee.

Stahel.



Judge O'Connor

No. 436.

United States Legation,
Peking, June 14th, 1878.

George F. Seward to
the Secretary of State.

Subject.

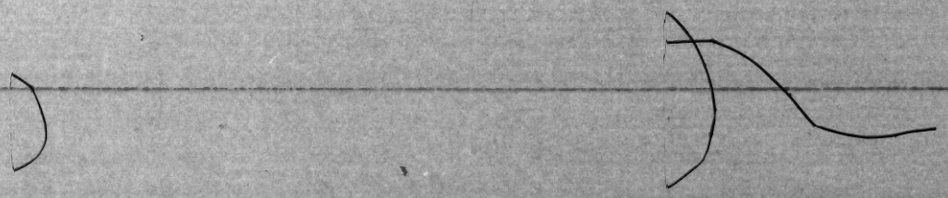
The Ward and Keojeor claims.

Synopsis.

Mr. Seward has spoken further of these matters to the Ministers, having reference to instruction, number 210., seeking to procure an assurance that they would soon be disposed of. The Ministers responded courteously, but indefinitely. Remarks on the claims generally.

Although

Although not disposed of the given matters have been greatly advanced. They should not be allowed to rest.



No. 436.

United States Legation
Peking, June 1st, 1878.

Honorable William M. Evarts
Secretary of State.

Sir:-

On the occasion of a visit to the Foreign Office a few days since, I mentioned the Ward and Keorjeor claims, saying that I had received your despatch, number 210., approving my action as reported down to the 6th of December last. I had previously been able to thank the Ministers for the very prompt, courteous, and satisfactory action taken by them in a variety of other matters, and to express

express satisfaction that I would be able to leave Peking with no outstanding complaints, saving these claims. I then read to them the final clauses of your despatch, and expressed my earnest hope that they would now give me some assurance that the claims will be soon disposed of, adding my opinion that this is strongly desirable in the interest of our relations. In order to give point to my remarks, I said that as they had acknowledged the validity of the Ward claims as presented, and declared that they should have been paid fourteen years ago, we could not understand why they should withhold interest. We had constantly

constantly urged the claims from the very outset, and they must see that they were not dealing with us according to usual rules, under such circumstances. I said also that, while I had not received definite instructions regarding the interest in the Kobyeor claim, and I would not mention that part of the matter, I thought that the evidence presented by us, regarding the contract of charter party, etc. should override the Viceroy's mere opinion as to what ought to be paid. We had proven the use and loss of the steamer, and by the same evidence, the sums which should have been paid for her use and loss, and it was not

competent

competent for them to dismiss our representations on the mere declaration that the contract was too favorable to the claimant.

The Ministers responded courteously enough, but repeated only the old statement to the effect that the matter is one which belongs to the Provinces, that they had hoped that the reference to Banking would result in a settlement, but that, as it did not, and I refused a further reference to Banking, the business must be considered at a deadlock.

It would be useless for me at this moment to go farther than I did. Indeed I should not have brought up the subject at all, were

I notice the point of leaving the Capital, for it would be better to await the arrival of your instructions upon the interest question in the Keorfeor case, and to make a general statement of your views, rather than to deal with the business partially.

It is true that your despatch, number 210, indicates that interest may be demanded upon the Keorfeor claim. It was written, however, in advance of the receipt of my despatch, number 373, in which I dealt especially with this question, and, moreover, it contains a statement that the Department continues to extend to me "a large discretion" in

dealing

dealing with the claims. Under these circumstances, I could not presume to consider your instruction as definitive. While I regret that it is not possible to settle up these long pending matters before my departure, I may, as I think, claim that, all things considered, I have succeeded very well in my management of them. The Hard claims have been before every Minister of our Government who has resided in this Capital, and they have always before been peremptorily rejected. The question of interest remains the only one to be decided now, and in the ordinary course this cannot be expected to give any serious trouble

as

as compared with the main negotiation. The Keojeon case was not formally presented until my arrival here. It is a vastly more difficult business than the general claims, and would have shared their fate if it had been presented at an earlier moment. In this case, the interest question aside, a settlement of the fact of the charter, use, and loss of the steamer has been reached and the measure of the claim only remains to be determined. The situation has changed, indeed, since the day when Prince Kung said to me in an abrupt, not to say disagreeable, way:—"We do not owe you anything."

There

There is nothing more unpleasant in the way of diplomatic work at this Court, than pressing claims, in particular those which have grown stale. It has been a business very little to my taste, and it has interfered sometimes with my general work. I believe, however, that my general position vis a vis this Government has been improved on the whole, rather than injured, by my management of the given matters.

As to the future, I shall say nothing. It has been my part to deal with the claims to this moment. It may be the task of others to pursue them further.

The

The officer responsible for the conduct of a negotiation is the proper one to determine its lines. This, however, should be remembered: the Chinese will never forget the fact if they succeed in staving us off in these cases. The only safe rule here is, never to advance any demand which is not defensible in all its parts, and never to retreat from any such demand.

quit

I have the honor to be,

Sir,

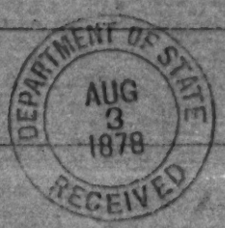
Your obedient servant.

George F. Seward.

Acte Asst Sy.

W Bowdam

No. 437.



United States Legation,
Peking, June 7th, 1878.

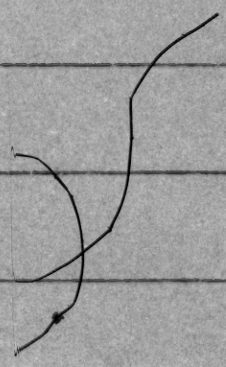
George F. Seward to
the Secretary of State.

Subject.

Miscellaneous expense account.

Subject.

Mr. Seward has not been able to make up the account, but has drawn for the amount, and handed the proceeds to Mr. Holcombe, who will in due course forward the statement.



No. 437.

United States Legation.

Peking, June 7th, 1878.

Honorable William M. Evarts,

Secretary of State.

Sir:

Owing to the brief time at my disposal before my departure for America, I have been unable to make up the Miscellaneous Expense Account for the year which will end with the close of this month. I have drawn the full sum of $400, and placed it in Mr. Holcombe's hands. He will, in due course, make up the account for the year.

I

I have the honor to be,

Sir,

Your obedient servant.

Geo. T. Seward

Ask Aug 7.

To committee Dec 19. W Berdan

No. 438.

United States Legation,

Peking, June 7th, 1878.

DEPARTMENT OF STATE
AUG
3
1878
RECEIVED

George F. Seward to the Secretary of State.

Subject.

Departure for the United States.

Synopsis.

Mr. Seward has exchanged calls with the Ministers of the Foreign Office, and turned over the Legation to Mr. Holcombe, preparatory to his departure for America.

No. 438.

United States Legation,
Peking, June 7th, 1878.

Honorable William M. Evarts
Secretary of State.

Sir:-

I have the honor to inform you that I have exchanged visits with the Ministers of the Foreign Office, and that I to-day turn over the charge of the Legation to Hon. Holcombe, preparatory to my departure for the United States.

I expect to reach San Francisco, on or about the 20th of July.

I have the honor to be,

Sir,

Your obedient servant.

Jno. F. Swift